

Ostendunt terris quem tantum fata Supremis
Hunc saltem accumulem donis, et fungar i-
-nani Munere. ——

Romæ Antiquæ Notitia:

OR, THE

ANTIQUITIES

OF

ROME.

In TWO PARTS.

I. A Short HISTORY of the *Riſe*, *Progreſs*, and *Decay* of the COMMONWEALTH.

II. A Deſcription of the CITY: An Account of the *Religion*, *Civil Government*, and *Art of War*; with the *Remarkable Cuſtoms* and *Ceremonies*, *Public* and *Private*.

With *Copper* CUTS of the *Principal Buildings*, &c.

To which are prefixed Two ESSAYS, concerning the *Roman* LEARNING, and the *Roman* EDUCATION.

By *BASIL KENNETT*, of *C. C. C. Oxon.*

——— *Nec deſinat unquam*
Tecum Graia loqui, tecum Romana vetuſtas. Claudian.

The ELEVENTH EDITION.

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MDCCLXVII.

To His HIGHNESS the

DUKE of GLOUCESTER.

SIR,

AMONG all the Noble Preſages of *Wit* and *Honour*, there is not one by which YOUR HIGHNESS hath given greater Encouragement to the Hopes of theſe Kingdoms, than by a ſurprizing Curioſity, and impatient Deſire of Knowledge. For the ſatisfying ſo generous Inclinations, YOUR HIGHNESS cannot but ſeek an early Acquaintance with the *Roman* State. It muſt needs pleaſe

You, Sir, to underſtand the Conſtitution of that People, before You appear the Rival of their Glory: And the firſt Steps to both theſe Attainments will be alike uneaſy. Many Fatigues are to be undergone, ere You ſurpaſs them in Action and Conduct: And in the ſame Manner, before You are introduced into the more delightful Scenes of their Policy and Government, Your Highness ſhould be *firſt* preſented with the rougher Proſpect of their Cuſtoms and Ceremonies.

For Your Direction in ſo noble, though intricate, a Path of Antient Story, Your Highgess is deſired to accept this ſmall Endeavour, no otherwiſe, than You would a few Shadows, or a little Model, to give You, Sir, the firſt Notion of ſome admired Picture, or ſome magnificent Building.

THERE is one Cuſtom, which, I make myſelf believe, YOUR HIGHNESS will read with ſome Pleaſure; I mean, SIR, the TROJAN GAME, a Martial Exerciſe performed by the Youth of the Firſt Quality in *Rome*, under ſuch a Captain as YOURSELF; and deriving its Original from young *Aſcanius*, whom I need not fear to mention as YOUR Precedent, ſince you have already honoured him with YOUR Imitation.

IT may be expected, perhaps, that, out of the many Illuſtrious *Romans*, I ſhould here propoſe to YOUR HIGHNESS ſome of the moſt celebrated Examples of *Virtue* and great *Atchievements*. But this would prove a needleſs Piece of Service; ſince YOU cannot miſs YOUR Way in the Purſuit of the *Firſt*, while YOUR HIGHNESS goes on, like the *Trojan* Prince,

Matre Dea monſtrante Viam.

And to the *Second*, the ſhort Advice, which that Hero gave his Son, will engage You as the higheſt Motive:

—Te, animo repetentem exempla tuorum,
Et Pater Æneas, *& Avunculus excitet* Hector.

I am, SIR,

YOUR HIGHNESS'S

Moſt Humble, and

Moſt Obedient Servant,

Baſil Kennett.

THE

PREFACE.

THE *Uſefulneſs of ſuch a Deſign as this not being like to be called in queſtion, I am obliged no farther, than to give a ſhort Hiſtory of what Attempts have hitherto been made of the ſame Nature, with ſome Account of the preſent Undertaking.*

Not to make a Catalogue of the many Tracts on particular Subjects of Roman Antiquities, *the Two Authors moſt in Uſe for this Knowledge are* Roſinus *and* Godwin; *the firſt as a full Syſtem, the other as an Abridgment or Compendium. We have nothing more complete than* Roſinus *taken all together: But he will appear very deficient in many Points, if compared with other learned Men, who have laboured in the adorning of ſome one Part of his General Subject. Thus, I believe, his Book of War has ſcarce been looked into ſince the Publiſhing of* Lipſius's *admirable Comment on* Polybius. *His Accounts of the Habits, Senate, Laws, and Funerals, will never be ſet in Competition with the more accurate Pieces of* Ferrarius *and* Rubenius, *of* Paulus Manutius *and* Kirchman. *Not to urge, that the* Names, *the* Money, *the* Private Games, *with ſeveral leſſer Topics, are entirely omitted; and many more ſubſtantial Cuſtoms but lightly touched. The* Paralipomena *of* Dempſter, *which are added in the beſt Editions, under the Name of* Notes *on this Author, ſeem for the moſt*

Part, barely a Tranſcript of Common Places, gathered from the Claſſics and other Writers, with little Connection; and therefore though they ſerve, now and then, for a Supplement to Roſinus, *yet it is impoſſible they ſhould be very inſtructive.*

Godwin's Anthologia *(which we uſually meet with in our Schools), beſides that it wants all the Advantages which we have received from the Learned within theſe threeſcore Years, is ſo ſhort and unſatisfactory, in Subjects of the greateſt Conſequence; ſo crowded with Phraſes, which are to be found in all our Dictionaries; ſo ſtuffed with long Paſſages of* Latin *untranſlated; has ſo little Method, and runs ſo dry and heavy in the* Reading, *that I fancy, it is a general Wiſh it were exchanged for ſomething elſe in the ſame Kind, of greater Uſe and more agreeable Entertainment.*

For Cantelius de Romana Republica, *to me the* Jeſuit *ſeems very unhappy, that by ſpending half his Book in giving us a long* Relation *of the* Roman *Wars, Battles, Deaths,* &c. *which moſt Perſons would rather learn from the Original* Hiſtorians, *he has ſo ſtraightened himſelf in the remaining* Part, *as to paſs for no extraordinary* Epitomizer. *Beſides that he cannot ſpare* Room *to ſet down one* Word *of* Authority *for what he ſays.*

As for theſe Papers: *The two* Eſſays *of the* Roman *Learning and* Education *are, I think, what has not been before attempted in any* Language; *and on that account will be the more eaſily pardoned, if not the better accepted in the* World. *The* Compendious Hiſtory *of the* Riſe, Progreſs, *and* Decay *of the* State, *has this at leaſt to ſay for itſelf, that it carries its own* Credentials *along with it, in conſtant* References *to the* Antient Writers. *I will*

will not here compoſe a Table of Contents for the Second Part, *which has run out into ſuch Length, as to make the Body of the Work; only I may hint, in a Word or two, that the many Omiſſions of* Roſinus *and* Godwin *are largely ſupplied, and ſcarce any Thing material (that I know of) paſſed by. That the City, with the famous Structures of all Sorts, are deſcribed from the* Relations *of Eye-witneſſes, and Authors of Credit: That the Laws, which occur in the beſt Claſſics, and often prove a great Hindrance to the* Reader, *are diſpoſed under proper Heads in a very convenient Manner; and the trueſt Account of their Import, and the Time when they were made, collected from the moſt approved Commentators, and from the admired Treatiſe of* Manutius: *That in ſome Subjects it was thought proper to follow, for the moſt Part, one particular Author, who had managed his Province with univerſal Approbation: As* Sigonius *in the* Comitia *and the* Judgments: Lipſius *in the* Art of War, *in the* Gladiators, *and in the* Names: Kirchman *in the* Funerals; *and* Brerewood *in the* Account of the Money: *That the curious Remarks of* Scaliger, Caſaubon, Grævius, *Monſieur and Madam* Dacier, *are inſerted on many Occaſions: In ſhort, that no Pains or Charges have been ſpared, which might render the Attempt truly ſerviceable, to the good End for which it was deſigned, the Pleaſure and Benefit of the Reader.*

The great Incorrectneſs of the Second Edition, *was occaſioned by the Haſte, and the Neceſſities, of the then unfortunate Proprietor; from whom no Sight of the Sheets could be obtained, till the whole was ſo diſhonourably finiſhed. Yet the neceſſary Alterations and Additions, before given in, were inſerted*

in

in their Places. It was, and is, with all Gratitude, acknowledged, that the beſt part of this Aſſiſtance hath been afforded by the late noble Collections of the excellent Grævius; *a Catalogue of which is here ſubjoined. The Compiler wiſhes it may be imputed not to Idleneſs, but to Deſign, that he hath borrowed only a* Mite *from that* Treaſury. *For intending an* Abridgment, *not a full* Body, *he thought it alike unreaſonable, either to ſwell the Bulk above the Name and Uſe, or to forbear ſuch Improvements, as could ſcarce in Honeſty be denied: Either to* burthen *the* Reader *for the* Bookſeller's Advantage, *or, under a Pretence of* eaſing *the former, to* injure *both. This new Impreſſion has not only been amended by careful Superviſal, but adorned by the Beauty of the Letter, and of the additional Sculptures. But the chief Recommendation of the Deſign is owing to the favourable Acceptance, and kind Encouragement of private Perſons and of Societies, eſpecially of a Royal and moſt flouriſhing Seminary, to which our Thanks can be returned in no better Wiſhes, than that it may for ever continue in the ſame happy State, and under the like prudent Government and Direction.*

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ESSAY I.

Of the ROMAN *Learning.*

WHOEVER conſiders the ſtrange Beginning of the *Roman* State, the Frame and Conſtitution on which it was firſt ſettled, together with the Quality of the original Members, will think it no Wonder, that the People, in that early Age, ſhould have a kind of Fierceneſs, or rather Wildneſs in their Temper, utterly averſe to every Thing that was polite and agreeable. This ſavage Diſpoſition by Degrees turned into a rigid Severity, which encouraged them to rely ſolely on the Force of their native Virtue and Honour, without being beholden to the Advantages of Art, for the Improvement of their Reaſon, or for the Aſſiſtance of their Courage. Hence a Groſſneſs of Invention paſſed current with them for Wit, and Study was looked on as an unmanly Labour: Eſpecially, while they found, that their exact Diſcipline and unconquered Reſolution, rendered them Maſters of Nations much more knowing than themſelves. All this is frankly acknowledged by their own Authors: *Literæ in Homine Romano* go for a Wonder with *Tully (a)*. And *Virgil*, in a Reign when all the Civility and Learning of the World were tranſplanted to *Rome*, chuſeth to make the Arts of Government and War the diſtinguiſhing Excellencies of his Country-men.

Excudent alii ſpirantia mollius æra:
Credo equidem, vivos duceat de marmore vultus;
Orabunt cauſas melius, cœlique meatus
Deſcribent radio, & ſurgentia ſidera dicent.
Tu regere imperio populos, Romane, memento;

(a) *De Nat. Deor.* lib. 1. *De Senectute.*

Hæ tibi erunt artes: pacisque imponere morem,
Parcere subjectis, & debellare superbos (a).

Others shall best inspire the mimic Brass,
Or out of Marble carve a living Face;
Plead with more Force, and trace the heavenly Roads,
Describing the wide Empire of the Gods;
The wandring Stars to steady Rules confine,
And teach expecting Mortals when they'll shine.
Thee Heavens, brave *Roman*, form'd for high Command;
Be these thy Arts, from the victorious Hand
To make glad Nations own their Peace bestow'd,
To spare the Suppliant, and pull down the Proud.

The Reason which *Horace* gives for the slow Advances of Poetry, will hold in every other Part of polite Learning.

Serus enim Græcis admovit acumina chartis (b).

Their little Acquaintance with the fine Writers of *Greece*, who had settled the Emporium of Arts and Learning in that Country, deprived them of an Opportunity to cultivate and beautify their Genius, which was formed by Nature capable of the highest Attainments. Some Kind of Poetry, indeed, they had in their rustic Times; but then the Verses were such rude doggrel Stuff, as old *Ennius* describes:

——— *Qualis Fauni vatesque canebant,*
Quom neque Musarum scopulos quisquam superarat,
Nec dicti studiosus erat.

Cicero is inclined to think, That the old *Romans* might probably have gained some little Knowledge in Philosophy from the Instructions of *Pythagoras*, the famous Author of the *Italick* Sect, who flourished in *Italy* about the same Time as the *Tarquins* were expelled the City. But the antient Custom of Singing to the Flute the Praises of famous Men, at great Entertainments, is the only Relique he can find of this Doctrine, which was delivered in Poetical Numbers (c).

Their Intercourse with *Greece* begun upon their undertaking the Defence of that Country, against *Philip* of *Macedon*, who had a Design on its Liberty, about the Year of *Rome* 555; when, according to their usual Practice, under

(a) *Æneid.* 6. (b) Lib. 2. Epist. 1. (c) *Cicero Tusc. Quest.* lib. 4.

the

the Name of Deliverers, they made themſelves rather the Maſters of that People. And then,

Græcia capta ferum victorem cepit, & artes
Intulit agreſti Latio (a)

The greateſt Number of eminent Poets, eſpecially Dramatic Writers, flouriſhed between the End of the firſt and the Third *Punic* Wars; or from the Year of the City 512 to 607. The moſt conſiderable were *Livius Andronicus*, *Nævius*, *Ennius*, *Pacuvius*, *Accius*; *Cæcilius*, *Plautus*, *Afranius*, *Terence*, and *Lucilius*. And therefore *Horace* means only the firſt *Punic* War, when he ſays,

Et poſt Punica bella quietus quærere cœpit,
Quid Sophocles, & Theſpis & Æſchylus utile ferrent:
Tentavit quoque, rem ſi dignè vertere poſſet (b).

The Studies of Philoſophy and Rhetoric never made any tolerable Progreſs before the Arrival of the *Achaians*, who in the Year of *Rome* 586 or 587, to the Number of a Thouſand, or more, were ſent for out of their own Country, where they had ſhewed themſelves diſaffected to the *Romans*, and were diſperſed in ſeveral Parts of *Italy*. Among theſe was the famous *Polybius* the *Megalopolitan*, whoſe great Parts and Learning not only gained him the entire Friendſhip of *Scipio Æmilianus* and *Lælius*, two of the greateſt *Romans* in that Age, but procured alſo the Releaſe of all his Countrymen that remained after being ſome Years in Exile.

Moſt of that Company, though not equal to *Polybius*, yet being the principal Members of the chief Cities in *Greece*, brought away a great Share of the Politeneſs and refined Arts of that Country: And being now reduced to a State of Life, which took from them all Thoughts of public Action, they applied themſelves wholly to the Purſuit of Letters, as well to divert the ſad Reflections on their Baniſhment, as to improve and cultivate their Mind *(c)*

In a few Years their Examples and Inſtructions had wrought ſuch a ſtrange Converſion in the *Roman* Youth, that the Senate, fearing leſt the antient Diſcipline ſhould by theſe Means be corrupted, and the Minds of the People ſoftened and enervated by Study, conſulted how to put a Stop to this Vein of Politeneſs, ſo contrary to the rough

(a) Hor. Lib. 2. Epiſt. 1. *(b) Ibid.* *(c) Vid. Caſauben. Chronol. ad Polyb. & Comment. ad Sueton. de Grammat.*

and warlike Diſpoſitions of their Anceſtors. To this Purpoſe we meet with a Decree bearing Date in the Conſulſhip of *C. Fannius Strabo* and *M. Valerius Meſſala*, *A U. C.* 592; by which it appears, *that whereas* Marcus Pomponius *the* Prætor *had made a Report to the Senate about the Philoſophers and Rhetoricians, the Fathers did hereby order the aforeſaid* Prætor *to take Cognizance of the Buſineſs, and to ſuffer no ſuch Men in* Rome *(a)*.

The eager Paſſion for Learning, which this Prohibition had in ſome Meaſure allayed, broke out with greater Heat and Force about ſixteen Years after, upon this famous Occaſion, as has been mentioned by ſeveral Authors *(b)*.

The *Athenians* having plundered *Oropus* a City of *Bœotia*, the Inhabitants made their Complaint to *Rome*; the *Romans* referring the Caſe to the Judgment of the *Sicyonians*, a Mulct of 500 Talents was impoſed on the *Athenian* State. Upon this Account it was reſolved, that Commiſſioners ſhould be ſent to the *Roman* Senate, to procure a Mitigation of the Fine. The Perſons pitched on for this Service were *Carneades* the *Academic*, *Diogenes* the *Stoic*, and *Critolaus* the *Peripatetic*. About the Time of their coming, Authors are very little agreed; but *Petavius* and *Cauſabon* fix it in the ſix hundred and third Year after the Building of *Rome*. Moſt of the ſtudious Youths immediately waited on the old Ambaſſadors at their Arrival, and heard them diſcourſe frequently, with Admiration. It happened too, that they had each of them a different Way in their Harangues; for the Eloquence of *Carneades* was violent and rapid; that of *Critolaus* neat and ſmooth; that of *Diogenes* modeſt and ſober. *Carneades* one Day held a full and accurate Diſpute concerning Juſtice; the next Day he refuted all that he had ſaid before, by a Train of contrary Arguments, and quite took away the Virtue that he ſeemed ſo firmly to have eſtabliſhed. This he did to ſhew his Faculty of confuting all manner of poſitive Aſſertions; for he was the Founder of the *Second Academy*, a Sect which denied that any Thing was to be perceived or underſtood in the World, and ſo introduced an univerſal Suſpenſion of Aſſent. It ſoon flew about the City, that a certain *Grecian* (by whom they meant *Carneades*,) carrying all before him, had impreſſed ſo ſtrange a Love upon the young Men, that, quitting all their Pleaſures and Paſtimes, they run mad, as it were, after Philoſophy. This

(a) *Sueton. de Clar. Grammat.* cap. 1. *A Gell.* lib. 15. cap. 11. (b) *Plut. in Cat. major. A Gell.* lib vii. cap. 14. *Macrob.* Stat. 1. cap. 15.

to

to the Generality of People was a very pleaſing Sight, and they rejoiced extremely to find their Sons welcome the *Grecian* Literature in ſo kind a Manner. But old *Cato* the *Cenſor* was much concerned at this, leſt the Youth, being diverted by ſuch Entertainments, ſhould prefer the Glory of Speaking, to that of Acting. So that the Fame of the Philoſophers encreaſing, he reſolved to get as quickly rid of them as poſſible. With this Deſign, coming into the Senate, he accuſed the Magiſtrates for not giving the Ambaſſadors a ſpeedier Diſpatch; they being Perſons who could eaſily perſuade the People to whatever they pleaſed. He adviſed therefore, that in all Haſte ſomething ſhould be concluded on, that being ſent Home to their own Schools, they might declaim to the *Grecian* Children; and the *Roman* Youth might be obedient to their own Laws and Governors, as formerly.

The ſame grave Diſciplinarian, to deter his Son from any thing practiſed by the *Grecians*, uſed to pronounce, with a Voice like an Oracle, in a harſher and louder Tone than ordinary, *That the* Romans *would certainly be deſtroyed, when they began once to be infected with* Greek. But it is very likely, that he afterwards altered his Mind; ſince his learning *Greek* in his old Age is a known Story, and depends on good Authority *(a)*. The Lord *Bacon* ſays, *'Twas a Judgment upon him for his former Blaſphemies (b).*

The Ambaſſadors, upon the Motion of *Cato*, had a quick Diſmiſſion, but left ſo happy an Inclination in the *Roman* Youth to Philoſophy and good Letters, that they grew every Day more enamoured of Study; and ſhewed as much Diligence in their Purſuits of Knowledge, as they had ever done in their Applications to War.

In the Year of the City 608 or 609, *Greece*, which had hitherto retained ſome Shadow of Liberty, though it had been a long while at the *Romans* Command, was, upon ſome ſlight Occaſion, entered with an Army under *L. Mummius*, and reduced to the common State of the other conquered Nations. This Exploit happening in the very ſame Year that *Carthage* was deſtroyed by *P. Scipio Æmilianus*, it will be very pleaſant to obſerve the different *Genius* of the two Commanders, who had the Honour of theſe Atchievements; and to ſee how Politeneſs and the antient Sim-

(a) *Cicero* Academ. 1. *De Senect. Quinctilian. Inſt.* lib. 12. cap. 11.

(b) Advancement of Learning, *Book* 1.

plicity were at Strife in *Rome*. *Mummius* was so far unskilled in the curious Inventions of Art, that after the taking of *Corinth*, when a great Number of admirable Pictures and Statues, by the best Masters, came into his Hands, he told the Servants that were to carry them into *Italy*, *If they lost any by the Way, they should certainly find him new ones in their Room (a.)*

Scipio, on the other Hand, to the Courage and Virtue of antient Heroes, had joined a profound Knowledge of the Sciences, with all the Graces and Ornaments of Wit. His Patronage was courted by every one that made any Figure in Learning. *Panætius*, whom *Tully* calls the Prince of the Stoics, and the incomparable Historian *Polybius*, were his Bosom-Friends, the Assisters of his Studies at home, and the constant Companions of his Expeditions *(b)*. To which may be added the Remark of a very great Man, *That he passed the soft Hours of his Life in the Conversation of* Terence, *and was thought to have a Part in the Composition of his Comedies (c)*.

The highest Pitch of the *Roman* Grandeur, in the Time of the Commonwealth, is thought to have been concluded before the final Reduction of *Carthage* and of *Greece (d)*; and the common Reason assigned for its Decay is, that *Athens*, being now become the Mart of the World for Wit and Breeding, imported the Arts of Debauchery, among her noble Productions, to *Rome*; and maintained their Luxury, as well as their Studies and Conversation, at her Charge. But however their antient Prowess might decline, it is certain, the Conquest of the great Empire of *Science* was now carried on more vigorously than ever. The Tide of Learning and Humanity ran every Day with greater Force, and, after the famous *Cato*, scarce met with any to oppose it. Between this Period and the Death of *Sylla* (scarce seventy Years,) the most renowned Orators *Crassus* and *Antony* ruled the *Forum*, who were succeeded by *Sulpicius*, *Cotta*, *Hortensius*, and other great Names recorded by *Tully* in his *Brutus*. At the same Time, the two *Scævola*'s, the *Augur* and the *Pontiff*, advanced Civil Law to its full Perfection. And *Lucretius* (who wrote about the Time of the *Jugurthine* War) as he excelled even the *Grecian* Disciples of *Epicurus*, in explaining and defending

(a) Vell. Paterc. lib. 1. cap. 13. *(b) Ib.* (c) Sir *Will. Temple*'s *Miscel.* P. 2. Essay 4. *(d)* Vid. *Casaubon. Chronolog.* ad *Polyb.*

his

his Doctrine, ſo he directs us where to begin, in fixing the Height and Purity of the *Roman* Poetry and Style (*a*). Philoſophers were now in univerſal Honour and Requeſt, being invited from all Parts for the Education and Inſtruction of young Patricians, and for the Advice and Aſſiſtance of the great Miniſters of State. And what is moſt ſurpriſing, Arts and Civility were rather encouraged, than frighted away by the Wars; and the Muſes, like their Patroneſs *Minerva*, had very often their Reſidence in the Camp. *Sylla* himſelf wrote two and twenty Books of Memoirs (*b*), and contributed, in an extraordinary Manner, to the Advancement of Knowledge, by tranſporting to *Rome* the famous Library of *Apellicon* the *Peripatetic*, in which were moſt of the Works of *Ariſtotle* and *Theophraſtus* which had been long unknown to the greateſt Part of their Followers (*c*).

Sylla's Rival, *Marius*, was the only Man of Note, in that Age, who retained the old Ferocity and unpoliſhed Manner of the firſt *Romans*. He, indeed, would never ſtudy *Greek*, nor ſuffer that Language to be uſed in any Matters of Conſequence; as thinking it ridiculous to beſtow Time in that Learning, the Teachers whereof were little better than Slaves (*d*).

But then *Lucullus*, who ſucceeded *Sylla* in the military Glory, as to Matters of Learning was much his Superior. In his Youth he had ſo abſolute a Command of the two only Tongues then in Uſe, that upon a Project of compiling a Hiſtory, he fairly took his Chance, whether he ſhould write in *Greek* or *Latin*, in Proſe or Verſe. And after all his Feats of Arms in the *Mithridatic* War, when he was deprived of his Command by the prevailing Faction of *Pompey*, the great Employment of his Privacy and Retreat was the promoting of Knowledge. With this Deſign he built a Library, furniſhed it with a vaſt Number of Books fairly tranſcribed, and made it free to all Viſitants. The Walks and Schools, which he raiſed near the Library, were always full of *Grecians*, who retiring hither from Buſineſs, diverted one another with Conferences and Debates, in the ſame Manner as was uſed in their own Country; making Advantage of friendly Converſation, toward the Improvement of their Underſtandings. *Lucullus* himſelf often ſtudied here, ſometimes diſputed with the learned

(*a*) Sir *Will. Temple*'s *Miſcel.* P. 2. Eſſay 1.
(*b*) *Plutarchus in Sylla.* (*c*) Ibid. & *Strabo.* lib. 13. (*d*) *Plutarch.* in *Mario.*

Men, and sometimes giving his Advice in Matters of State, to those that desired it; though he meddled with no public Business in Person. He was very well versed in all the Sects of Philosophy, but adhered closely to the old Academy; whereas his Friend *Cicero* was a great Advocate for the new. Hence it is, that we find the latter Book of the *Academic Questions* inscribed to *Lucullus*; where that great Man is brought in defending the Opinions of his Sect *(a)*.

The whole Majesty of Language, and Height of Eloquence, shone out, as it were, all at once, in *Tully*; so that *Paterculus* has well observed, *Delectari ante eum paucissimis, mirari vero neminem possis, nisi aut ab illo visum, aut qui illum viderit (b)*.

Perhaps the same Remark will hold good in his Philosophy; or, at least, with respect to his Predecessors, the latter Study will yield an equal Praise with the former. For to handle this Subject in *Latin* Prose, was purely a new Province reserved for his Management, and left untouched until that Time by the Learned. Thus much he lets us know in several Parts of his Works, particularly in his Poem to the *Tusculan* Questions; where at the same Time he gives us a short Account of the Progress and Advances of Arts among the *Romans*, infinitely worth the transcribing. *Meum semper judicium fuit*, &c. *It was always my Opinion*, says he, *That either our Countrymen have been more happy in their Inventions of every Kind, than the* Greeks; *or, That they have made a vast Improvement in whatever they borrowed from that Nation, and thought worth their while to polish and refine. For as to the Conduct of Life, and the Rules of Breeding and Behaviour, together with the Management of Family Concerns, we are Masters of more Exactness, and have a much genteeler Air. If we ascend to the Governing and Regulating of public States, our Ancestors may justly claim the Preference in this Part of Wisdom, on Account of their admirable Laws and Institutions. In military Affairs we have made a more considerable Advance than any before us; which is owing no less to our Discipline, than to our Native Bravery.*

'Tis true, Greece *has always had the Renown beyond us for their Attainments in every Part of Learning, and it was an easy Matter to conquer, when they met with no Opposition. Poetry, the most antient Sort of Writing, had but a late Reception among*

(a) Plutarchus in *Lucullo.* *(b) Hist.* lib. 1. cap. 17.

us;

us: For Livius Andronicus *preſented his firſt Dramatic Piece,* 510 (it ſhould be 514) *Years after the Building of* Rome, *in the* Conſulſhip *of* C. Claudius, *Son to* Appius Cæcus, *and* M. Tuditanus, *a Year before the Birth of* Ennius, *who is* Senior *to* Plautus *and* Nævius.

As he goes on, he attributes the ſlow Progreſs of Poetry to the want of due Reward and Encouragement, and tells us, that, in a public Oration of *Cato*, it was objected as a Reproach to *Marcus Nobilior*, that he carried the Poet *Ennius* with him into *Ætolia*, when he went to reſide there as Governor. That there was no Part of the *Mathematics* (which the *Grecians* eſteemed ſo honourable a Study) of Uſe in *Rome*, but the bare Knowledge of Menſuration, and Arithmetic. As to Oratory, he obſerves, that the *Romans* embraced it very ſoon, but at firſt without the Advantages of a learned Inſtitution; which were afterwards added with ſo much Succeſs, as to ſet them on equal Terms with the moſt eloquent Maſters of *Greece:* But that Philoſophy had lain neglected till that Time, and had met with no eminent Author to adorn it in the *Latin* Tongue. This therefore he profeſſeth to undertake as his proper Office; and how happily he ſucceeded in the Attempt, his Works on that Subject will be a laſting Argument.

If we compare *Tully* with his Friend *Atticus*, we find them both together anſwering the two excellent Ends of Philoſophy, the Service of the Public, and the private Eaſe and Tranquillity of an inoffenſive Life. The Former directed all his Studies to Action, in the Defence of the Commonwealth, and the Oppoſing of all Deſigns on its Liberty: The Latter, never entering the Scene of Buſineſs, made himſelf equally honoured and courted by all Parties, from *Sylla* to *Auguſtus Cæſar*. The one gained to himſelf more Glory, the other more hearty Love and Eſteem; and I believe moſt Perſons would be inclined to follow *Atticus*, and to commend *Cicero*.

Craſſus, *Pompey*, *Antony*, *Cæſar*, *Cato*, and *Brutus*, who made ſuch a Noiſe in the World, almoſt all at the ſame Time, were the moſt refined Scholars of their Age. The three firſt indeed confined themſelves to the Practice of Eloquence, till they were wholly diverted by the Profeſſion of Arms. But the three laſt, as they outſhone the former in Oratory, ſo they had made much greater Advances in the other Parts of Human Learning. Poetry and Philoſophy were the Diverſion of *Cæſar*'s leiſure Hours; and his Commentaries will be the Model of good Language, as long as himſelf is the Example of great Atchievements.

The

The whole Conduct of *Cato*'s Life shews him a greater *Stoic* than the most rigid Professors of that Sect; or, however they might equal him in Knowledge, 'tis certain he shamed them in Practice.

Brutus had been a Hearer of all the Sects of Philosophers, and made some Proficiency in every one. When a Soldier under *Pompey*, in the Civil Wars, all the Time that he was in the Camp, except what he spent in the General's Company, he employed in Reading and Study. And the very Day before the decisive Battle at *Pharsalia*, tho' it was then the Middle of Summer, and the Camp under many Inconveniencies, and he himself extremely harassed and out of Order; yet, while others were either laid down to sleep, or taken up with Apprehensions about the Issue of the Fight, he spent all his Time, 'till the Evening, in writing an Epitome of *Polybius* (*a*).

It is universally known, that the *Roman* Literature, as well as Empire, was in its highest Ascendant under *Augustus*. All the delicate Fruits transplanted from *Greece* were now in their Blossom, being cherished by the Calmness of the Season, and cultivated by the Hand of an Emperor.

I have often wondered, that *Mæcenas* should carry away the sole Honour of encouraging the Wit and Knowledge of this Reign; when it seems probable, that he acted only in Imitation of his Master; as the Humours of Princes commonly determine the Inclinations of their Favourites. The quite contrary happened to the other great Minister *Agrippa*; the Glory of his Exploits was referred to the Emperor, while the Emperor's Bounty advanced *Mæcenas*'s Esteem. And, indeed, the Celebration of *Augustus*'s Triumphs and the Panegyrics on his Piety were sufficient to set him out in the most glaring Colours: But had *Mæcenas* been denied the shining Character of a Patron, he might have rolled on in Silence among *Epicurus*'s Herd, and we should scarce have seen him drawn by the Poet's Hand, unless in the same Posture as *Silenus*.

Inflatum hesterno venas, ut semper, Iaccho:
Serta procul capiti tantùm delapsa jacebant;
Et gravis attritâ pendebat cantharus ansâ (b).

(*a*) *Plutarch.* in *Brut.* (*b*) *Virgil.* Eclog. 6.

But

But whoever of the Two was the nobler Patron, *Auguſtus* muſt be acknowledged to have been the greater Scholar. And for Proof, we need go no further than *Suetonius*, who has ſpent no leſs than ſix Chapters on the Learning of this Emperor. His prodigious Induſtry in the Study of Eloquence and liberal Arts; his Labour in compoſing every Thing that he ſpoke in Public, tho' he had a very good Faculty at *extempore* Harangues; his polite and clear Style, his accurate Knowledge of the *Grecian* Literature, by the Aſſiſtance of their beſt Maſters of Rhetoric and Philoſophy; the Thirteen Books of the Hiſtory of his own Life; his Exhortation to Philoſophy, with ſeveral other Works in Proſe; his Book of Hexameters, and another of Epigrams: all conſidered together, may equal him with the moſt learned Princes in Hiſtory.

Being thus arrived at the higheſt Point of the *Roman* Attainments, it cannot be unpleaſant to look about us, and to take a ſhort Survey of the Productions in every Kind. Eloquence indeed will appear at ſome Diſtance, rather in the *Auguſtan* Age, than in *Auguſtus*'s Reign, ending in *Cicero*, at the Diſſolution of the Commonwealth. Not that his Death was properly the Ruin of his Profeſſion; for the Philoſopher might have lived much longer, and yet the Orator had been gone, when once the antient Liberty was taken away, which inſpired him with all his lofty Thoughts, and was the very Soul of his Harangues. But then the Bounds of Hiſtory and Poetry were fixed under the Emperor's Protection, by *Livy*, *Virgil*, and *Horace*. And if we deſire a View of Philoſophy, the Two Poets will account for that, as well as for their own Province.

I think none will deny *Horace* the Elogy given him by a celebrated Writer, *That he was the greateſt Maſter of Life, and of true Senſe in the Conduct of it (a)*. Eſpecially ſince the Author of that Judgment is one of thoſe whom (had he lived then) *Horace* himſelf would have willingly choſe for his Judge; and inſerted in that ſhort Catalogue of Men of Wit and Honour, whom he deſired ſhould approve his Labours (*b*).

Whether or no the common Saying be true, that if all Arts and Sciences were loſt, they might be found in *Virgil*, it is plain, he dived very deep into the Myſteries of natural Science, which he ſets forth in all its Ornaments, in ſeveral Parts of his ſublime Work. And in that admirable Place of

(*a*) Sir *Will. Temple*'s *Miſcel.* p. 2. Eſſay 2. (*b*) Book 1. Sat. 10.

his

his second *Georgic*, when he expresseth, in a Sort of Transport, his Inclinations to Poetry, he seems to direct its whole End towards the Speculations of the Philosophers, and to make the Muses Hand-Maids to Nature.

Me verò primùm dulces ante omnia Musæ,
Quarum sacra fero, ingenti percussus amore,
Accipiant; cœlique vias & sydera monstrent,
Defectus solis varios, Lunæque Labores:
Unde tremor terris; qui vi maria alta tumescant
Obicibus ruptis rursusque in seipsa residant:
Quid tantum Oceano properent se tingere soles
Hyberni; vel quæ tardis mora noctibus obstet.

For me, the first Desire, which does controul
All the Inferior Wheels that move my Soul,
Is, that the Muse me her High-Priest would make,
Into her holy Scenes of Mystery take,
And open there, to my Mind's purged Eye,
Those Wonders which to Sense the Gods deny:
How in the Moon such Change of Shapes is found;
The Moon, the changing World's eternal Bound:
What shakes the solid Earth: What strong Disease
Dares trouble the far Centre's antient Ease:
What makes the Sea retreat, and what advance;
Varieties too regular for Chance:
What drives the Chariot on of Winter's Light,
And stops the lazy Waggon of the Night.

Mr. *Cowley*.

After *Augustus*, the *Roman* Muses, as well as the Eagles, stooped from their former Height; and, perhaps, one of these Misfortunes might be a necessary Consequence of the other. I am very sorry, when I find either of them attributed to the Change of Government and the Settlement of the Monarchy: For had the Maxims and the Example of *Augustus* been pursued by his Successors, the Empire, in all Probability, might have been much more glorious than the Commonwealth. But while a new Scheme of Politics was introduced by *Tiberius*, and the *Cæsars* began to act what the *Tarquins* would have been ashamed of, the Learning might be very well corrupted, together with the Manners and the Discipline, and all beyond any Hopes of a Recovery.

It

It cannot be denied, that ſome of the worſt Princes were the moſt paſſionate Affectors of Learning, particularly *Tiberius*, *Claudius*, and *Nero*: but this rather deterred other Men from ſuch Attempts, than encouraged them in their Purſuits; while an applauded Scholar was as much envied as a fortunate Commander; and a Rival in Wit accounted as dangerous as a Contender for the Empire: The firſt being certainly the more hardy Combatant, who dared challenge his Maſters at their own Weapons.

Whatever Eſſays were made to recover the languiſhing Arts under *Veſpaſian*, *Titus*, and *Domitian*, (for this laſt too was an Encourager of Poetry, tho' he baniſhed the Philoſophers,) ſcarce ſerved to any better Purpoſe, than to demonſtrate the poor Succeſs of Study and Application, while the antient *Genius* was wanting.

In the ſix next Reigns immediately following *Domitian*, Learning ſeems to have enjoyed a Sort of lucid Interval, and the baniſhed Favourite was again admitted to the Court, being highly countenanced and applauded by the beſt Set of Princes *Rome* ever ſaw.

Not to inquire after the Productions of the other Reigns, the uſeful Labours of *Tacitus*, *Suetonius*, and *Pliny Junior*, will make the Government of *Trajan* more famous than all his Feats of Arms. If they are leſs happy in their Language than the Antients, in other Reſpects, perhaps, they have overmatched them: The Hiſtorians in the Delicacy of their Politics, and the ſincere Truth of their Relations; and the Orator in his Wit and good Senſe. If we add to theſe *Plutarch*, who wrote moſt of his Works in *Rome*, and was honoured by *Trajan* with the Conſulſhip, and *Quintilian*, who flouriſhed a very little Time before; they may paſs for the Twilight of Learning after the Sun-ſet of the *Auguſtan* Age; or rather be reſembled to a glimmering Taper, which caſts a double Light when it is juſt on the Point of expiring.

It is an Obſervation of Sir *William Temple*, That all the *Latin* Books, which we have till the End of *Trajan*, and all the *Greek* till the End of *Marcus Antoninus*, have *a true and very eſtimable Value*; but that all written ſince that Time, owe their Price purely to our Curioſity, and not to their own Worth and Excellence.

But the Purity of the Tongue was long before corrupted, and ended, in Sir *William Temple*'s Judgment, with *Velleius Paterculus*, under *Tiberius*. The Reaſon he aſſigns for this Decay,

Decay, is the ſtrange Reſort of the ruder Nations to *Rome*, after the Conqueſt of their own Countries.

Thus the *Gauls* and *Germans* flocked in Multitudes both to the Army and the City, after the reducing of thoſe Parts by *Julius Cæſar*, *Auguſtus*, and *Tiberius*; as many *Spaniards* and *Syrians* had done before, on the like Account: But the greateſt Confluence of Foreigners followed upon the Victories of *Trajan* in the *Eaſt*, and his Eſtabliſhment of the Three new Provinces, *Armenia*, *Aſſyria*, and *Meſopotamia*. And though *Adrian* voluntarily relinquiſhed theſe new Acquiſitions, yet the prodigious Swarms of the Natives, who had waited on his Predeceſſors Triumphs, were ſtill obliged to live in *Rome*, in the Condition of Slaves.

The greateſt Part of the ſucceeding Princes, who found it ſo hard an Enterprize to defend their own Territories, had little Leiſure or Concern to guard the Poſſeſſions of the Muſes. And therefore *Claudian* in thoſe Verſes of his *Panegyric* or *Stilico*,

> *Hinc priſcæ redeunt artes, felicibus inde*
> *Ingeniis aperitur iter, deſpectaque Muſæ*
> *Colla levant*;

is guilty of a great Piece of Flattery, in making that Miniſter the Reſtorer of polite Studies, when it is plain, that in his Time (under *Honorius*) were the laſt Strugglings of the *Roman* State.

The *Goths* and *Vandals*, who ſoon carried all before them, might eaſily fright Learning and Sciences off the Stage, ſince they were already ſo much out of Countenance; and thus render the Conquerors of the Univerſe as rough and illiterate as their firſt Progenitors.

In this Manner, the Inundations of the barbarous People proved equally fatal to the Arts and Empire; and *Rome* herſelf, when ſhe ceaſed to be the Miſtreſs of the World, in a little Time, quite forgot to ſpeak *Latin*.

ESSAY II.

Of the ROMAN EDUCATION.

IT is an obvious Remark, that the ſtrongeſt Body owes its Vigour, in a great meaſure, to the very Milk it received in its Infancy, and to the firſt knitting of the Joints: That the moſt ſtately Trees, and the faireſt of Herbs and Flowers, are beholden for their Shade and Beauty to the Hand that firſt fixed them in an agreeable Soil: which Advantage if they happen to want, they ſeldom fail to degenerate into Wildneſs, and to aſſume a Nature quite different from their proper Species. Every one knows how to apply the ſame Obſervation to Morals, who has the Senſe to diſcover it in Naturals. Hence the moſt renowned People in Hiſtory are thoſe, whoſe Lawgivers thought it their nobleſt and moſt important Work to preſcribe Rules for the early Inſtruction of Youth. On this Baſis *Lycurgus* founded the glorious Diſcipline of the *Spartans*, which continued for Five Hundred Years, without any conſiderable Violation. *The* Indian Brachmans *had a Strain beyond all the Wit of* Greece, *beginning their Care of Mankind even before their Birth, and employing much Thoughts and Diligence about the Diet and Entertainment of their Breeding Women; ſo far as to furniſh them with pleaſant Imaginations, to compoſe their Minds and their Sleep with the beſt Temper, during the Time that they carried their Burthens* (*a*).

Plutarch ſeverely reprehends the Conduct of *Numa*, that, in his Settlement of the *Roman* State, he did not in the firſt Place provide and conſtitute Rules for the Education of Children;

(*a*) Sir *Will. Temple*'s *Miſcel.* P. 2. Eſſay 1.

and

and makes the Remiſſneſs in this early Diſcipline, the chief Cauſe of the ſeditious and turbulent Temper of that People, and what contributed highly to the Ruin of the Commonwealth (*a*). Thus much indeed ſeems agreed on by all the latter Hiſtorians, That in the looſer Times of the Empire, the ſhameful Negligence of Parents and Inſtructors, with its neceſſary Conſequence, the Corruption and Decay of Morality and good Letters, ſtruck a very great Blow towards the diſſolving of that glorious Fabric. But in the riſing Ages of *Rome*, while their Primitive Integrity and Virtue flouriſhed with their Arms and Command, the training up of Youth was looked on as a moſt ſacred Duty; and they thought themſelves in the higheſt Manner obliged to leave fit Succeſſors to the Empire of the World. So that upon a ſhort Survey of the whole Method of Diſcipline from the Birth to the Entrance on public Buſineſs, they will appear ſo far to have exceeded the Wiſdom and Care of other Nations, as to contend for this Glory, even with the antient *Spartans*, whom *Plutarch* has magnified ſo much beyond them: Eſpecially, if we agree with a great Judge, That the taking no Care about the Learning, but only about the Lives and Manners of Children, may be juſtly thought a Defect in *Lycurgus*'s Inſtitution (*b*).

Quintilian (or *Tacitus*) in the Dialogue *de Oratoribus*, gives an excellent Account of the old Way of breeding Children, and ſets it off with great Advantage, by comparing it with the modern.

" As ſoon as the Child was born, he was not given in " Charge to an hired Nurſe, to live with her in ſome piti- " ful Hole that ſerved for her Lodging; but was brought " up in the Lap and Boſom of the Mother, who reckoned it " among her chief Commendations to keep the Houſe and " to attend the Children. Some antient Matron was pitch- " ed on out of the Neighbours, whoſe Life and Manners ren- " dered her worthy of that Office, to whoſe Care the Chil- " dren of every Family were committed; before whom 'twas " reckoned the moſt heinous Thing in the World to ſpeak an " ill Word or to do an ill Action. Nor had ſhe an Eye only " on their Inſtruction, and the Buſineſs that they were to fol- " low, but, with an equal Modeſty and Gravity, ſhe re- " gulated their very Diverſions and Recreations. Thus

(*a*) *Plutarch* Compar. of *Numa* and *Lycur.* (*b*) Arch-biſhop *Tillotſon*'s Sermon of Education.

" *Cornelia*

" *Cornelia*, *Aurelia*, and *Attia*, Mothers to the *Gracchi*, *Julius Cæsar*, and *Auguſtus*, are reported to have undertaken " the Office of Governeſſes, and to have employed themſelves in the Education of Noblemens Children. The " Strictneſs and Severity of ſuch an Inſtitution had this " very good Deſign, That the Mind, being thus preſerved " in its primitive Innocence and Integrity, and not debauched by ill Cuſtom or ill Example, might apply itſelf with the greateſt Willingneſs to the liberal Arts, " and embrace them with all its Powers and Faculties. " That, whether it was particularly inclined either to the " Profeſſion of Arms, or to the Underſtanding of the " Law, or to the Practice of Eloquence, it might make " that its only Buſineſs, and greedily drink in the whole " Knowledge of the favourite Study.

" But now the young Infant is given in Charge to ſome " poor *Grecian* Wench; and one or two of the Servantmen, perhaps, are joined in the Commiſſion; generally the meaneſt and moſt ill-bred of the whole Pack, " and ſuch as are unfit for any ſerious Buſineſs. From the " Stories and Tattle of ſuch fine Companions, the ſoft " and flexible Nature muſt take its firſt Impreſſion and " Bent. Over the whole Family there is not the leaſt " Care taken of what is ſaid or done before the Child; " while the very Parents, inſtead of inuring their dear " little Ones to Virtue and Modeſty, accuſtom them, on " the quite contrary, to Licentiouſneſs and Wantonneſs, " the natural Reſult of which is a ſettled Impudence, and " a Contempt of thoſe very Parents, and every Body " elſe."

Thus although the Care and Inſtruction of Youth, among the old *Romans*, had been provided for by the public Laws, as in the *Spartan* State, yet the voluntary Diligence of Parents would have made all ſuch Regulations ſuperfluous.

Among the Domeſtic Cares, it will not be from the Purpoſe to take particular Notice of one, which required little Trouble or Difficulty, and yet proved as beneficial and ſerviceable as any other Inſtitution: I mean the uſing of Children to ſpeak the Language purely at firſt, by letting them hear nothing but the trueſt and moſt proper Phraſe. By this only Advantage ſeveral Perſons arrived at no ordinary Repute in the *Forum*, who were ſo unhappy as to want many other Qualifications.

Tully says, that the *Gracchi* were educated, *non tam in gremio, quàm in sermone Matris:* And he reports of *C. Curio* who was reckoned the third Orator of his Time, that he understood no Poet, had read no Books of Eloquence, had made no Historical Collections; and had no Knowledge of the public or private Part of the Law. The only Thing which gained him his Applause was a clear, shining Phrase, and a sudden Quickness and Fluency of Expression. This he got purely by the Benefit of his private Education; being used to a correct and polished way of speaking in the House where he was brought up. *(a)*

For Masters, in the first Place, they had the *Literatores*, or γραμματισταὶ, who taught the Children to read and write: To these they were committed about the Age of Six or Seven Years *(b)*. Being come from under their Care, they were sent to the *Grammar Schools*, to learn the Art of speaking well, and the understanding of Authors: Or more frequently in the House of great Men some eminent Grammarian was entertained for that Employment.

It is pleasant to consider, what Prudence was used in these early Years, to instil into the Childrens Minds a Love and Inclination to the *Forum*, whence they were to expect the greatest Share of their Honours and Preferments. For *Cicero* tells *Atticus*, in his Second Book *de Legibus*, That when they were Boys, they used to learn the famous Laws of the Twelve Tables by Heart, in the same Manner as they did an excellent Poem. And *Plutarch* relates in his Life of the younger *Cato*, That the very Children had a Play, in which they acted Pleadings of Causes before the Judges; accusing one another, and carrying the condemned Party to Prison.

The Masters already mentioned, together with the Instructors in the several Sorts of manly Exercises, for the improving of their natural Strength and Force, do not properly deserve that Name, if set in View with the Rhetoricians and Philosophers; who, after that Reason had displayed her Faculties, and established her Command, were employed to cultivate and adorn the Advantages of Nature, and to give the last Hand toward the forming of a *Roman* Citizen. Few Persons made any great Figure on the Scene of Action in their own Time, or in History afterwards, who, besides the constant frequenting of Public Lectures,

(a) *Cic. in Brut.* (b) *Vid. Dacier in Horat.* Sat. 1. Lib. 1.

did

did not keep with them in the Houſe ſome eminent Profeſſor of Oratory or Wiſdom.

I have often thought, That one main Reaſon of the prodigious Progreſs made by the *Roman* Youths, under theſe private Tutors, was the perfect Love and Endearment which we find to have been between Maſter and Scholar, by which Means Government and Inſtruction proceeded in the ſweeteſt and eaſieſt way. All Perſons in the happy Ages of *Rome* had the Honour and Reſpect for their Teachers, as *Perſius* had for his Maſter, *Cornutus* the *Stoic*; to whom addreſſing himſelf in his fifth Satire, he thus admirably deſcribes his own Love and Piety to his Governor, and the ſtrict Friendſhip that was between them.

Cumque iter ambiguum eſt, & vitæ neſcius error
Diducit trepidas ramoſa in compita mentes,
Me tibi ſuppoſui: teneros tu ſuſcipis annos
Socratio, Cornute, *ſinu; tunc fallere ſolers*
Appoſita intortos extendit regula mores;
Et premitur ratione animus, vincique laborat,
Artificemque tuo ducit ſub pollice vultum.
Tecum etenim longos minime conſumere ſoles;
Et tecum primas epulis decerpere noctes.
Unum opus, & requiem pariter diſponimus ambo,
Atque verecundâ laxamus ſeriâ menſâ.
Non equidem hoc dubites amborum fœdere certo
Conſentire dies, & ab uno ſidere duci.
Noſtra vel æquali ſuſpendit tempora librâ
Parca tenax veri, ſeu nata fidelibus hora
Dividit in Geminos *concordia fata duorum;*
Saturnumque *gravem noſtro* Jove *fregimus unâ.*
Neſcio quod, certè eſt, quod me tibi temperat aſtrum.

Juſt at the Age when Manhood ſet me free,
I then depos'd myſelf, and left the Reins to thee:
On thy wiſe Boſom I repos'd my Head,
And by my better *Socrates* was led.
Then thy ſtrait Rule ſet Virtue in my Sight,
The crooked Line reforming by the Right.
My Reaſon took the Bent of thy Command;
Was form'd and poliſh'd by thy ſkilful Hand,
Long Summer-days thy Precepts I rehearſe,
And Winter-nights were ſhort in our Converſe.

One was our Labour, one was our Repoſe;
One frugal Supper did our Studies cloſe.
Sure on our Birth ſome friendly Planet ſhone,
And as our Souls, our Horoſcope was one:
Whether the mounting Twins did Heaven adorn,
Or with the riſing Balance we were born;
Both have the ſame Impreſſion from above,
And both have *Saturn*'s Rage, repell'd by *Jove*.
What Star I know not, but ſome Star I find,
Has giv'n thee an Aſcendant o'er my Mind.

DRYDEN.

Nor was the Reverence paid by the Public to the Informers of Youth leſs remarkable, than the Eſteem and Duty of their Scholars. Which makes *Juvenal* break out into that elegant Rapture:

Dii majorum umbris tenuem & ſine pondere terram,
Spiranteſque crocos, & in urnâ perpetuum ver,
Qui præceptorem ſancti voluere parentis
Eſſe loco (*a*).

In Peace, ye Shades of our great Grandſires, reſt;
No heavy Earth your ſacred Bones moleſt;
Eternal Springs and riſing Flowers adorn
The Reliques of each venerable Urn;
Who pious Rev'rence to their Tutors paid,
As Parents honour'd, and as Gods obey'd.

C. DRYDEN.

At the Age of ſeventeen Years, the young Gentlemen, when they put on their *manly Gown*, were brought in a ſolemn Manner to the *Forum*, and entered in the Study of Pleading: Not only if they deſigned to make this their chief Profeſſion, but altho' their Inclinations lay rather to the Camp. For we ſcarce meet with any famous Captain, who was not a good Speaker; or any eminent Orator, who had not ſerved ſome Time in the Army. Thus it was requiſite for all Perſons, who had any Thoughts of riſing in the World, to make a good Appearance both at the Bar and in the Field; becauſe, if the Succeſs of their Valour and Conduct ſhould advance them to any conſiderable Poſt,

(*a*) Sat. 7.

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it would have proved almoſt impoſſible, without the Advantage of Eloquence, to maintain their Authority with the Senate and People: Or, if the Force of their Oratory ſhould in time procure them the honourable Office of *Prætor*, or *Conſul*, they would not have been in a Capacity to undertake the Government of the Provinces, (which fell to their Share at the Expiration of thoſe Employments) without ſome Experience in military Command.

Yet, becauſe the Profeſſion of Arms was an Art which would eaſily give them an Opportunity of ſignalizing themſelves, and in which they would almoſt naturally excel, as Occaſions ſhould be afterwards offered for their Services; their whole Application and Endeavours were directed at preſent to the Study of the Law and Rhetoric, as the Foundations of their future Grandeur. Or, perhaps, they, now and then, made a Campaign, as well for a Diverſion from ſeveral Labours, as for their Improvement in martial Diſcipline.

In the Dialogue *de Oratoribus*, we have a very good Account of this Admiſſion of young Gentlemen to the *Forum*, and of the Neceſſity of ſuch a Courſe in the Commonwealth; which, coming from ſo great a Maſter, cannot fail to be very pertinent and inſtructive.

" Among our Anceſtors, ſays that Author, the Youth, " who was deſigned for the *Forum* and the Practice of Elo- " quence, being now furniſhed with the liberal Arts, and " the Advantage of a Domeſtic Inſtitution, was brought " by his Father, or near Relations, to the moſt celebrated " Orator in the City. Him he uſed conſtantly to attend, " and to be always preſent at his Performance of any Kind, " either in judicial Matters, or in the ordinary Aſſemblies " of the People: So that by this Means he learned to en- " gage in the Laurels and Contentions of the Bar, and to " approve himſelf a Man at Arms, in the Wars of the " Pleaders.

" For in the antient Conſtitution of a mixed State, when " the Differences were never referred to one ſupreme Per- " ſon, the Orators determined Matters as they pleaſed, " by prevailing on the Minds of the ignorant Multitude. " Hence came the Ambition of popular Applauſe: Hence " the great Variety of Laws and Decrees: Hence the te- " dious Speeches and Harangues of the Magiſtrates, ſome- " times carried on whole Nights in the *Roſtra:* Hence " the frequent Indictment and Impleading of the powerful

" Criminals, and the expoſing of Houſes to the Violence
" and Fury of the Rabble: Hence the Factions of the
" Nobility, and the conſtant Heats and Bickerings between
" the Senate and People. All which, tho' in a great mea-
" ſure they diſtracted the Commonwealth, yet had this
" good Effect, that they exerciſed and improved the Elo-
" quence of thoſe Times, by propoſing the higheſt Re-
" wards to that Study. Becauſe the more excellent any
" Perſon appeared in the Art of Speaking, the more eaſily
" he arrived at Honours and Employments; the more he
" ſurpaſſed his Collegue in the ſame Office, the greater
" was his Favour with the leading Men of the City, his
" Authority with the Senate, and his Renown and Eſteem
" among the Commons. Theſe Men were courted and
" waited on by Clients even of foreign Nations: Theſe,
" when they undertook the Command of Provinces, the
" very Magiſtrates reverenced at their Departure, and
" adored at their Return: Theſe the higheſt Offices of
" *Prætor* or *Conſul* ſeemed to require, and call for, and
" court their Acceptance: Theſe, when in a Private Sta-
" tion, abated very little of their Authority, while they
" guided both the Senate and the People by their Counſel.
" For they took this for an infallible Maxim, That without
" Eloquence 'twas impoſſible either to attain or to defend a
" conſiderable Truſt in the Commonwealth? And no
" Wonder, when they were drawn to Buſineſs, even a-
" gainſt their Will, and compelled to ſhew their Parts in
" Public. When it was reckoned but an ordinary Matter
" to deliver one's Opinion before the Senate, un-
" leſs a Man could maintain and improve it with the en-
" gaging Ornament of Wit and Eloquence. When if
" they had contracted any Envy or Suſpicion, they were to
" anſwer the Accuſer's Charge in Perſon. When they
" could not ſo much as give their Evidence, as to public
" Matters in Writing; but were obliged to appear in
" Court, and deliver it with their own Mouth. So that
" there was not only a vaſt Encouragement, but even
" a Neceſſity of Eloquence. To be a fine Speaker was
" counted Brave and Glorious: On the other hand, to
" act only a *mute Perſon*, on the Public Stage, was ſcan-
" dalous and reproachful. And thus a Senſe of Honour,
" and Deſire of avoiding Infamy, was a main Incitement
" to their Endeavours in theſe Studies; leſt they ſhould be
" reckoned among the Clients, rather than among the Pa-
" trons;

" trons; leſt the numerous Dependencies tranſmitted to " them from their Anceſtors, ſhould now at laſt paſs into " other Families, for want of an able Supporter; leſt, like " a Sort of uſeleſs and unprofitable Creatures, they ſhould " either be fruſtrated in their Pretenſions to Honour and " Preferments, or elſe diſgrace themſelves and their Office, " by the Miſcarriages of their Adminiſtration."

Craſſus and *Antonius*, the two chief Managers of the Diſcourſe in *Tully*'s firſt Book *De Oratore*, are repreſented as very oppoſite in their Judgments, concerning the neceſſary Improvements of an accompliſhed Orator. The former denies any Perſon the Honour of this Name, who does not poſſeſs, in ſome Degree, all the Qualities, both native and acquired, that enter into the Compoſition of a general Scholar. The Force of his Argument lies in this, That an Orator ought to be able to deliver himſelf copiouſly on all Manner of Subjects; and he does not ſee how any one can anſwer this Character without ſome Excellency in all the Myſteries of Arts and Learning, as well as in the happy Endowments of Nature. Yet he would not have theſe Acquiſitions ſit ſo looſe about him, as to diſplay themſelves on every Occaſion; but that (as a great Man expreſſeth it) they ſhould rather be *enamelled in his Mind, than emboſſed upon it.* That, as the Critics in Gaits and Geſtures will eaſily diſcover by the Deportment of a Man's Body, whether he has learned to dance, though he does not practiſe his Art in his ordinary Motion; ſo an Orator, when he delivers himſelf on any Subject, will eaſily make it appear, whether he has a full Underſtanding of the particular Art or Faculty on which the Cauſe depends, though he does not diſcourſe of it in the Manner of a Philoſopher, or a Mechanic. *Antonius*, on the other hand, reflecting on the Shortneſs of Human Life, and how great a Part of it is commonly taken up in the Attainment of but a few Parts of Knowledge, is inclined to believe, that Oratory does not require the acceſſary Attendance of its Siſter Arts; but that a Man may be able to proſecute a Theme of any Kind, without a Train of Sciences, and the Advantages of a learned Inſtitution. That as few Perſons are at a loſs in the cultivating of their Land, or the Contrivance and Elegance of their Gardens, though they never read *Cato de Re Ruſtica*, or *Mago* the *Carthaginian*; ſo an Orator may harangue with a great deal of Reaſon and Truth, on a Subject taken from any Part

of Knowledge, without any farther Acquaintance with the nicer Speculations, than his common Senſe and Underſtanding, improved by Experience and Converſation, ſhall lead him to. "For who ever *(ſays he)*, when he comes to "move the Affections of the Judges or People, ſtops at "this, that he hath not Philoſophy enough to dive into the "firſt Springs of the Paſſions, and to diſcover their various "Natures and Operations? Beſides, at this Rate we muſt "quite lay aſide the Way of raiſing Pity in the Audience, by "repreſenting the Miſery of a diſtreſſed Party, or deſcribing, perhaps, the Slavery which he endures: When Philoſophy tells us, That a good Man can never be miſerable, and that Virtue is always abſolutely free."

Now as *Cicero*, without doubt, ſat himſelf for the Picture, which, in the Name of *Craſſus*, he there draws of an Orator, and therefore ſtrengthens his Arguments by his own Example as well as his Judgment; ſo *Antonius*, in the next Dialogue, does not ſcruple to own, that his former Aſſertion was rather taken up for the ſake of diſputing and encountering his Rival, than to deliver the real Sentiments of his Mind. And therefore the genteel Education in the politer Ages of *Rome* being wholly directed to the Bar, it ſeems probable, that no Part of uſeful Knowledge was omitted, for the improving and adorning of the chief Study; and that all the other Arts were courted, though not with an equal Paſſion. And upon the whole it appears, that a cloſe Aſſiduity and unwearied Application were the very Life and Soul of their Deſigns. When their Hiſtorians deſcribe an extraordinary Man, this always enters into his Character as an eſſential Part of it, that he was *incredibili induſtriâ, diligentiâ ſingulari*; *of incredible Induſtry, of ſingular Diligence (a)*. And *Cato* in *Saluſt* tells the Senate, That it was not the Arms ſo much as the Induſtry of their Anceſtors, which advanced the Grandeur of *Rome*: So that the Founders and Regulators of this State, in making Diligence and Labour neceſſary Qualifications of a Citizen, took the ſame Courſe as the Poets feigned *Jupiter* to have thought on, when he ſucceeded to the Government over the primitive Mortals:

——*Pater ipſe colendi*
Haud facilem eſſe viam voluit; primuſque per artem
Movit agros, curis acuens mortalia corda,
Nec torpere gravi paſſus ſua regna veterno (b).

(a) Archbiſhop *Tillotſon*'s Sermon on Education. (b) *Virg. Georg.* 1.

To

To confirm the Opinion of their extreme Induſtry and perpetual Study and Labour, it may not ſeem impertinent to inſtance in the Three common Exerciſes of Tranſlating, Declaiming, and Reciting.

Tranſlation the antient Orators of *Rome* looked on as a moſt uſeful, though a moſt laborious, Employment. All Perſons that applied themſelves to the Bar, propoſed commonly ſome one Orator of *Greece* for their common Pattern; either *Lyſias*, *Hyperides*, *Demoſthenes*, or *Eſchines* as their Genius was inclined. Him they continually ſtudied, and to render themſelves abſolutely Maſters of his Excellencies, were always making him ſpeak their own Tongue. This *Cicero*, *Quintilian*, and *Pliny Junior*, enjoin as an indiſpenſible Duty, in order to the acquiring of any Fame in Eloquence. And the firſt of theſe great Men, beſides his many Verſions of the Orators for his private Uſe, obliged the Public with a Tranſlation of ſeveral Parts of *Plato* and *Xenophon* in Proſe, and of *Homer* and *Aratus* in Verſe.

As to Declaiming, this was not the only chief Thing, at which they laboured under the Maſters of Rhetoric, but what they practiſed long after they undertook real Cauſes, and had gained a conſiderable Name in the *Forum*. *Suetonius*, in his Book *of Famous Rhetoricians*, tells us, That *Cicero* declaimed in *Greek* till he was elected *Prætor*, and in *Latin* till near his Death. That *Pompey the Great*, at the breaking out of the Civil Wa , reſumed his old Exerciſe of Declaiming, that he might the more eaſily be able to contend with *Curio*, who undertook the Defence of *Cæſar*'s Cauſe, in his public Harangues. That *Marc Antony* and *Auguſtus* did not lay aſide this Cuſtom, even when they were engaged in the Siege of *Mutina:* And that *Nero* was not only conſtant at his Declamations, while in a private Station, but for the firſt Year after his Advancement to the Empire.

It is worth remarking, that the Subject of theſe old Declamations was not an imaginary *Theſis*, but a Caſe which might probably be brought into the Courts of Judicature. The contrary Practice, which crept into ſome Schools after the *Auguſtan* Age, to the great debaſing of Eloquence, is what *Petronius* inveighs ſo ſeverely againſt in the Beginning of his *Satyricon*, in a Strain ſo elegant, that it would loſe a great Part of its Grace and Spirit in any Tranſlation.

When

When I ſpeak of Recitation, I intend not to inſiſt on the Public Performances of the Poets in that Kind, for which Purpoſe they commonly borrowed the Houſe of ſome of their nobleſt Patrons, and carried on the whole Matter before a vaſt Concourſe of People, and with Abundance of Ceremony. For, conſidering the ordinary Circumſtances of Men of that Profeſſion, this may be thought not ſo much the Effect of an induſtrious Temper, as the neceſſary Way of raiſing a Name among the Wits, and getting a tolerable Livelihood. And it is evident, that under ſome Princes, the moſt celebrated of this Tribe, notwithſtanding their Trouble and Pains in proclaiming their Parts to the Multitude, could hardly keep themſelves from ſtarving, as *Juvenal* obſerves of *Statius*;

——————*Sed, cùm fregit ſubſellia verſu,*
Eſurit, intactam Paridi *niſi vendit* Agaven.

I would mean therefore the Rehearſal of all Manner of Compoſitions of Proſe and Verſe, performed by Men of ſome Rank and Quality, before they obliged the World with their Publication. This was ordinarily done in a Meeting of Friends and Acquaintance, and now and then with the Admiſſion of a more numerous Audience. The Deſign they chiefly aimed at was the Correction and Improvement of the Piece. For the Author, having a greater Awe and Concern upon him on theſe Occaſions than at other Times, muſt needs take more Notice of every Word and Sentence, while he ſpoke them before the Company, than he did in the Compoſure, or in the common Surviſal. Beſides, he had the Advantage of all his Friends Judgments, whether intimated to him afterwards in private Conference, or tacitly declared at the Recital by their Looks and Nods, with many other Tokens of Diſlike or Approbation. In the fuller Auditories, he had the Benefit of ſeeing what was liked, or diſliked by the People; whoſe common Suffrage was of ſo great Authority, in this Caſe, that *Pomponius Secundus*, a celebrated Author of Tragedies, when he conſulted with his Friends about the poliſhing any of his Writings, if they happened to differ in their Opinion about the Elegance, Juſtneſs, and Propriety of any Thought or Expreſſion, uſed always to ſay, *AD POPULUM PROVOCO, I APPEAL TO THE PEOPLE*, as the beſt Deciders of the Controverſy (*a*).

(*a*) *Plin.* Lib. 7. Epiſt. 17.

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The Example of the younger *Pliny* in this Practice is very obſervable, and the Account which we have of it is given us by himſelf. *I omit* (ſays he) *no Way or Method that may ſeem proper for Correction: And firſt, I take a ſtrict View of what I have written, and conſider thoroughly of the whole Piece. In the next Place, I read it over to two or three Friends: And ſoon after ſend it to others for the Benefit of their Obſervations. If I am in any doubt concerning their Criticiſms, I take in the Aſſiſtance of one or two beſides myſelf, to judge and debate the Matter. Laſt of all, I recite before a great Number: And this is the Time that I furniſh myſelf with the ſevereſt Emendations* (*a*).

It might be a farther Pleaſure on this Subject, to deſcribe the whole Inſtitution and Courſe of Study of the moſt famous *Romans*, with their gradual Advances to thoſe Virtues and Attainments, which we ſtill admire in their Hiſtory. But the Account which *Cicero* gives of himſelf in his *Brutus*, and ſome Hints from other Parts of his Works, will excuſe, if not command, the Omiſſion of all the reſt. And it is no ordinary Happineſs, that we are obliged with the Hiſtory of that excellent Perſon from his own Hand, whom we muſt certainly conſider as the firſt and greateſt Example, if we are beholden only to the Relations of other Men.

For ſome Time after his Admiſſion to the *Forum*, he was a conſtant Auditor of the beſt Pleaders, whenever they ſpoke in Public: Every Day he ſpent ſeveral Hours in writing, reading, and improving his Invention; beſides the Exerciſes he performed in the Art of Oratory. For the Knowledge of the Civil Law, he applyed himſelf with all imaginable Diligence to *Q. Scævola*, the moſt celebrated Profeſſor of that Science; who, tho' he did not make it his Buſineſs to procure Scholars, yet was very ready and willing to aſſiſt ſuch Perſons in this Study, as deſired his Advice and Directions. 'Twas to this *Scævola* that *Cicero*'s Father, when he put on his *Manly Gown*, committed his Son, with a ſtrict Charge never to ſtir from him, but on extraordinary Accounts.

About the 19th Year of his Age, in the Heat of the Contention between *Marius* and *Sylla*, when the Courts of Judicature were ſhut up, and all Things in Confuſion; *Philo* the Prince of the *Academy*, leaving *Athens*, on Occaſion of

(*a*) *Plin.* Lib. 7. Epiſt.

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the *Mithridatic* War, took up his Reſidence in *Rome*. *Cicero* wholly reſigned himſelf to his Inſtitution, having now fixed the Bent of his Thoughts and Inclinations to Philoſophy; to which he gave more diligent Attendance, becauſe the Diſtractions of the Times afforded him little Reaſon to hope, that the judicial Proceſs and the regular Courſe of the Laws would ever be reſtored to their former Vigour. Yet not entirely to forſake his Oratory, at the ſame Time he made his Applications to *Molo* the *Rhodian*, a famous Pleader and Maſter of Rhetoric.

Sylla being now the ſecond Time advanced againſt *Mithridates*, the City was not much diſturbed with Arms for three Years together. During this Interval, *Cicero*, with unwearied Diligence, made his Advance Day and Night in all Manner of Learning; having now the Benefit of a new Inſtruſtor, *Diodotus* the *Stoic*, who lived and died in his Houſe. To this Maſter, beſides his Improvement in other Parts of uſeful Knowledge, he was particularly obliged for keeping him continually exerciſed in Logic, which he calls *a conciſe and compact Kind of Eloquence*.

But tho' engaged at the ſame Time in ſo many and ſuch different Faculties, he let no Day ſlip without ſome Performance in Oratory; declaiming conſtantly with the beſt Antagoniſts he could light on among the Students. In this Exerciſe he did not confine himſelf to any one Language, but ſometimes uſed *Latin*, ſometimes *Greek*; and indeed more frequently, the latter: Either becauſe the Beauties and Ornaments of the *Greek* Stile would by this Means, grow ſo natural as eaſily to be imitated in his own Tongue; or becauſe his *Grecian* Maſters would not be ſuch proper Judges of his Stile and Method, nor ſo well able to correct his Defects, if he delivered himſelf in anyother than their native Language.

Upon *Sylla*'s victorious Return and his Settlement of the Commonwealth, the Lawyers recovered their Practice, and the ordinary Courſe of judicial Matters were revived: And then it was that *Cicero* came to the Bar, and undertook the Patronage of public and private Cauſes. His firſt Oration in a *Public Judgment* was the Defence of *Sextus Roſcious*, proſecuted by no leſs a Man than the *Dictator* himſelf, which was the Reaſon that none of the old experienced Advocates dared appear in his Behalf. *Cicero* gained the Cauſe, to his great Honour, being about ſix or ſeven and twenty: And having behaved himſelf ſo remarkably well in his firſt Enterprize,

Enterprize, there was no Buſineſs thought too weighty or difficult for his Management.

He found himſelf at this Time labouring under a very weak Conſtitution, to which was added the Natural Defect in his Make of a long and thin Neck: So that in all Probability the Labour and ſtraining of the Body, required in an Orator, could not but be attended with manifeſt Danger of his Life. This was eſpecially to be feared in him, becauſe he was obſerved in his Pleadings to keep his Voice always at the higheſt Pitch in a moſt vehement and impetuous Tone, and at the ſame Time to uſe a proportionable Violence in Geſture and Action. Upon this Conſideration the Phyſicians, and his neareſt Friends, were continually urging him to lay aſide all Thoughts of a Profeſſion which appeared ſo extremely prejudicial to his Health. But *Cicero* ſhewed himſelf equally inflexible to the Advice of the one, and to the Entreaties of the other; and declared his Reſolution rather to run the Riſque of any Danger that might happen, than deprive himſelf of the Glory which he might juſtly challenge from the Bar.

Confirming himſelf in this Determination, he began to think, that upon altering his Mode of Speaking, and bringing his Voice down to a lower and more moderate Key, he might abate conſiderably of the Heat and Fury which tranſported him, and by that Means avoid the Damage which ſeemed to threaten his Deſign.

For the effecting this Cure, he concluded on a Journey into *Greece:* And after he had made his Name very conſiderable in the *Forum*, by two Years pleading, he left the City. Being arrived at *Athens*, he took up his Reſidence for ſix Months with the Philoſopher *Atticus*, the wiſeſt and moſt noble Aſſertor of the old *Academy:* And here under the Direction of the greateſt Maſter, he renewed his Acquaintance with that Part of Learning which had been the conſtant Entertainment of his Youth, at the ſame Time performing his Exerciſes in Oratory under the Care of *Demetrius* the *Syrian*, an eminent Profeſſor of the Art of Speaking. After this he made a Circuit round *Aſia*, with ſeveral of the moſt celebrated Orators and Rhetoricians, who voluntarily offered him their Company.

But not ſatisfied with all theſe Advantages, he ſailed to *Rhodes*, and there entered himſelf once more among the Scholars of the famous *Molo*, whom he had formerly heard at *Rome:* One that, beſides his admirable Talent at pleading

ing and writing, had a peculiar Happineſs in marking and correcting the Defects in any Performance. It was to his Inſtitution that *Cicero* gratefully acknowledges he owed the retrenching of his juvenile Heat and unbounded Freedom of Thought, which did not conſiſt with the juſt Rules of an exact and ſevere Method.

Returning to *Rome*, after two Years Abſence, he appeared quite another Man: For his Body, ſtrengthened by Exerciſe, was come to a tolerable Habit: His Way of Speaking ſeemed to have grown cool; and his Voice was rendered much eaſier to himſelf, and much ſweeter to the Audience. Thus, about the one and thirtieth Year of his Age, he arrived at that full Perfection, which had ſo long taken up his whole Wiſhes and Endeavours, and which hath been, ever ſince, the Admiration of the World.

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Antiquities of *ROME.*

PART I. BOOK I.

The Origin, Growth, *and* Decay of *the* ROMAN *Commonwealth.*

CHAP. I.

Of the BUILDING *of the* CITY.

WHILE we view the Origin of States and Kingdoms (the moſt delightful and ſurprizing Part of Hiſtory) we eaſily diſcern, as the firſt and faireſt Proſpect, the Riſe of the *Jewiſh* and *Roman* Commonwealths: Of which, as the former had the Honour always to be eſteemed the Favourite of Heaven, and the peculiar Care of Divine Providence; ſo the other had very good Pretenſions to ſtile herſelf the Darling of Fortune; who ſeemed to expreſs a more than ordinary Fondneſs for her youngeſt Daughter, as if ſhe had deſigned the three former Monarchies purely for a Foil to ſet off this latter. Their own Hiſtorians rarely begin without a Fit of Wonder; and before they proceed to delineate the glorious Scene, give themſelves the Liberty of ſtanding ſtill ſome Time, to admire at a Diſtance.

For the Founder of the City and Republic, Authors have long ſince agreed on *Romulus*, Son of *Rhea Sylvia*, and Deſcendant of *Æneas*, from whom his Pedigree may be thus derived: Upon the final Ruin and Deſtruction of *Troy* by the *Grecians*, *Æneas*, with a ſmall Number of Followers, had the good Fortune to ſecure himſelf by Flight. His Eſcape

Eſcape was very much countenanced by the Enemy, inaſmuch as upon all Occaſions he had expreſſed his Inclinations to a Peace, and to the reſtoring of *Helen*, the unhappy Cauſe of all the Miſchief. Sailing thus from *Troy*, after a tedious Voyage, and great Variety of Adventures, he arrived at laſt at *Latium*, a Part of *Italy* ſo called *à latendo*, or from *lying hid*; being the Place that *Saturn* had choſe for his Retirement, when expelled the Kingdom of *Crete* by his rebellious Son *Jupiter*. Here applying himſelf to the King of the Country, at that Time *Latinus*, he obtained his only Daughter *Lavinia* in Marriage; and, upon the Death of his Father-in-Law, was left in Poſſeſſion of the Crown. He removed the imperial Seat from *Laurentum* to *Lavinium*, a City which he had built himſelf in Honour of his Wife; and upon his Deceaſe ſoon after, the Right of Succeſſion veſted in *Aſcanius*, whether his Son by a former Wife, and the ſame he brought with him from *Troy*, or another of that Name, which he had by *Lavinia*, *Livy* leaves undetermined. *Aſcanius* being under Age, the Government was intruſted into the Hands of *Lavinia*: But as ſoon as he was grown up, he left his Mother in Poſſeſſion of *Lavinium*; and removing with Part of the Men, laid the Foundation of a new City, along the Side of the Mountain *Albanus*, called from thence *Longa Alba*. After him, by a Succeſſion of eleven Princes, the Kingdom devolved at laſt to *Procas*. *Procas* at his Death left two Sons, *Numitor* and *Amulius*; of whom *Amulius* deceiving his elder Brother, obliged him to quit his Claim to the Crown, which he thereupon ſecured to himſelf; and to prevent all Diſturbance that might probably ariſe to him or his Poſterity, from the elder Family, deſtroying all the Males, he conſtrained *Numitor*'s only Daughter, *Rhea Sylvia*, to take on her the Habit of a Veſtal, and conſequently a Vow of perpetual Virginity. However, the Princeſs was ſoon after found with Child, and delivered of two Boys *Romulus* and *Remus*. The Tyrant, being acquainted with the Truth, immediately condemned his Niece to cloſe Impriſonment, and the Infants to be expoſed, or carried and left in a ſtrange Place, where it was very improbable they ſhould meet with any Relief. The Servant, who had the Care of this inhuman Office, left the Children at the Bottom of a Tree, by the Bank of the River *Tiber*. In this ſad Condition, they were caſually diſcovered by *Fauſtulus*, the King's Shepherd; who being wholly ignorant of the Plot, took the Infants up, and carried them home

home to his Wife *Laurentia*, to be nurſed with his own Children *(a)*. This Wife of his had formerly been a common Proſtitute, called in Latin *Lupa*; which Word, ſignifying likewiſe a She-Wolf, gave occaſion to the Story of their being nurſed by ſuch a Beaſt; though ſome take the Word always in a literal Senſe, and maintain, that they really ſubſiſted ſome Time, by ſucking this Creature, before they had the good Fortune to be relieved by *Fauſtulus (b)*. The Boys, as they grew up, diſcovering the natural Greatneſs of their Minds and Thoughts, addicted themſelves to the generous Exerciſes of Hunting, Racing, taking Robbers, and ſuch like; and always expreſſed a great Deſire of engaging in any Enterprize that appeared hazardous and noble. *(c)* Now there happening a Quarrel betwixt the Herdſmen of *Numitor* and *Amulius*, the former lighting caſually on *Remus*, brought him before their Maſter to be examined. *Numitor* learning from his own Mouth the ſtrange Circumſtance of his Education and Fortune, eaſily gueſſed him to be one of his Grandſon's, who had been expoſed. He was ſoon confirmed in this Conjecture, upon the Arrival of *Fauſtulus* and *Romulus*; when the whole Buſineſs being laid open, upon Conſultation had, gaining over to their Party a ſufficient Number of the diſaffected Citizens, they contrived to ſurpriſe *Amulius*, and re-eſtabliſhed *Numitor*. This Deſign was ſoon after very happily put in Execution, the Tyrant ſlain, and the old King reſtored to a full Enjoyment of the Crown *(d)*. The young Princes had no ſooner reſeated their Grandfather in his Throne, but they began to think of procuring one for themſelves. They had higher Thoughts than to take up with the Reverſion of a Kingdom; and were unwilling to live in *Alba*, becauſe they could not govern there: So taking with them their Foſter-father, and ſuch others they could get together, they began the Foundation of a new City, in the ſame place where in their Infancy they had been brought up *(e)*. The firſt Walls were ſcarce finiſhed, when, upon a ſlight Quarrel, the Occaſion of which is variouſly reported by Hiſtorians, the younger Brother had the Misfortune to be ſlain. Thus the whole Power came into the Hands of *Romulus*; who, carrying on the Remainder of the Work, gave the City a Name in Alluſion to his own; and he hath been ever accounted the Founder and Patron of the *Roman* Commonwealth.

(a) Livy, lib. 1. *(b)* See *Dempſter*'s Notes to *Roſinus*'s Antiquities, *lib.* 1. *cap.* 1. *(c) Plutarch* in the Life of *Romulus*. *(d) Ibid.* and *Livy*, lib. 1. *(e) Plutarch*, as before; and *Livy*, lib. 1.

CHAP. II.

Of the ROMAN *Affairs under the Kings.*

THE witty Hiſtorian (*a*) had very good Reaſon to entitle the Reign of the Kings, the Infancy of *Rome*; for it is certain, that under them ſhe was hardly able to ſupport herſelf, and at the beſt had but a very feeble Motion. The greateſt Part of *Romulus*'s Time was taken up in making Laws and Regulations for the Commonwealth. Three of his State Deſigns, I mean the *Aſylum*, the Rape of the *Sabine* Virgins, and his Way of treating thoſe Few whom he conquered, as they far exceeded the Politics of thoſe Times, ſo they contributed in an extraordinary Degree, to the Advancement of the new Empire. But then *Numa*'s long Reign ſerved only for the Eſtabliſhment of Prieſts and religious Orders; and in thoſe three and forty Years (*b*), *Rome* gained not ſo much as one Foot of Ground. *Tullus Hoſtilius* was wholly employed in converting his Subjects from the pleaſing Amuſements of Superſtition, to the rougher Inſtitution of martial Diſcipline: Yet we find nothing memorable related of his Conqueſts; only that, after a long and dubious War, the *Romans* entirely ruined their old Mother *Alba* (*c*). After him, *Ancus Marcius*, laying aſide all Thoughts of extending the Bounds of the Empire, applied himſelf wholly to ſtrengthen and beautify the City (*d*); and eſteemed the Commodiouſneſs and Magnificence of that the nobleſt Deſign he could poſſibly be engaged in. *Tarquinius Priſcus*, though not altogether ſo quiet as his Predeceſſor, yet conſulted very little elſe beſides the Dignity of the Senate, and the Majeſty of the Government; for the Increaſe of which, he appointed the Ornaments and Badges of the ſeveral Officers, to diſtinguiſh them from the Common People (*e*). A more peaceful Temper appeared in *Servius Tullius*, whoſe principal Study was to have an exact Account of the Eſtates of the *Romans*; and according to thoſe to divide them into Tribes, (*f*) that ſo they might contribute with Juſtice and Proportion to the public Expences of the State. *Tarquin the Proud*, though perhaps more engaged in Wars than any of his Predeceſ-

(*a*) *Florus* in the Preface to his Hiſtory. (*b*) *Plutarch* in the Life of *Numa*.
(*c*) *Florus*, l. 1. cap. 3. (*d*) *Idem*, l. 1. cap. 4. (*e*) *Idem*, l. 1. cap. 5.
(*f*) *Idem*, l. 1. cap. 6.

ſors,

ſors (*a*), yet had in his Nature ſuch a ſtrange Compoſition of the moſt extravagant Vices, as muſt neceſſarily have proved fatal to the growing Tyranny. And had not the Death of the unfortunate *Lucretia* adminiſtered to the People an Opportunity of Liberty, yet a far ſlighter Matter would have ſerved them for a ſpecious Reaſon to endeavour the Aſſertion of their Rights. However, on this Accident, all were ſuddenly tranſported with ſuch a Mixture of Fury and Compaſſion, that, under the Conduct of *Brutus* and *Collatinus*, to whom the dying Lady had recommended the Revenge of her injured Honour (*b*), ruſhing immediately upon the Tyrant, they expelled him and his whole Family. A new Form of Government was now reſolved on; and becauſe to live under a divided Power carried ſomething of Complacency in the Proſpect (*c*), they unanimouſly conferred the ſupreme Command on the two generous Aſſertors of their Liberties (*d*). Thus ended the Royal Adminiſtration, after it had continued about two hundred and fifty Years.

Florus, in his Reflections on the firſt Age of *Rome*, cannot forbear applauding the happy Fate of his Country, that it ſhould be bleſſed in that weak Age, with a Succeſſion of Princes ſo fortunately different in their Aims and Deſigns; as if Heaven had purpoſely adapted them to the ſeveral Exigencies of the State (*e*). And the famous *Machiavel* is of the ſame Opinion (*f*). But a judicious Author (*g*) hath lately obſerved, that this Difference of *Genius* in the Kings, was ſo far from procuring any Advantage to the *Roman* People, that their ſmall Increaſe under that Government is referable to no other Cauſe. However, thus far we are aſſured, that thoſe ſeven Princes left behind them a Dominion of no larger Extent than that of *Parma* or *Mantua*, at preſent.

(*a*) See *Florus*, *l.* 1. c. 7. (*b*) *Idem*, lib. 1. cap. 9. (*c*) *Plutarch* in the Life of *Poplicola*. (*d*) *Ibid.* & *Florus*, lib. 1. cap. 9. (*e*) *Idem*, cap. 8. (*f*) *Machiavel*'s Diſcourſes on *Livy*, lib. 2. cap. 12. (*g*) Monſieur St. *Evremont*'s Reflections on the *Genius* of the *Roman* People, cap. 1.

CHAP. III.

Of the ROMAN *Affairs, from the Beginning of the Conſular Government to the firſt* Punic *War.*

THE Tyrant was no ſooner expelled, but, as it uſually happens, there was great plotting and deſigning for his Reſtoration. Among ſeveral other young Noblemen, *Brutus* his two Sons had engaged themſelves in the Aſſociation: But the Conſpiracy being happily diſcovered, and the Traitors brought before the Conſuls, in order to their Puniſhment, *Brutus* only addreſſing himſelf to his Sons, and demanding whether they had any Defence to make againſt the Indictment, upon their Silence, ordered them immediately to be beheaded; and ſtaying himſelf to ſee the Execution, committed the Reſt to the Judgment of his Colleague (*a*). No Action among the old *Romans* has made a greater Noiſe than this. It would be exceeding difficult to determine, whether it proceeded from a Motion of Heroic Virtue, or the Hardneſs of a cruel or unnatural Humour; or whether Ambition had not as great a Share in it as either. But though the Flame was ſo happily ſtifled within the City, it ſoon broke out with greater Fury abroad: For *Tarquin* was not only received with all imaginable Kindneſs and Reſpect by the neigbouring States, but ſupplied too with all Neceſſaries, in order to the Recovery of his Dominions. The moſt powerful Prince in *Italy* was at that Time *Porſenna*, King of *Hetruria*, or *Tuſcany*; who, not content to furniſh him with the ſame Supplies as the Reſt, approached, with a numerous Army in his Behalf, to the very Walls of *Rome* (*b*). The City was in great Hazard of being taken, when an Admiration of the Virtue and gallant Diſpoſition of the *Romans* induced the Beſiegers to a Peace (*c*). The moſt remarkable Inſtances of this extraordinary Courage were *Cocles*, *Mutius* and *Clælia*. *Cocles*, when the *Romans* were beaten back in an unfortunate Sally, and the Enemy made good their Purſuit to the very Bridge, only with the Aſſiſtance of two Perſons, defended it againſt their whole Power, till his own Party broke it down behind; and then caſt himſelf in his Armour

(*a*) *Plutarch. in vita Poplicol.* (*b*) *Idem, & Florus*, lib. 1. (*c*) *Plut.* in *Poplicol.*

into

into the River, and ſwam over to the other Side (*a*). *Mutius* having failed in an Attempt upon *Porſenna*'s Perſon, and being brought before the King to be examined, thruſt his Right-hand, which had committed the Miſtake, into a Pan of Coals that ſtood ready for the Sacrifice. Upon which generous Action he was diſmiſſed without further Injury. As for *Clælia*, ſhe, with other noble Virgins, had been delivered to the Enemy for Hoſtages, on Account of a Truce; when obtaining the Liberty to bathe themſelves in *Tiber*, ſhe getting on Horſeback before the Reſt, encouraged them to follow her through the Water to the *Romans*; though the Conſul generouſly ſent them back to the Enemy's Camp. *Porſenna* had no ſooner drawn off his Army, but the *Sabines* and *Latines* joined in a Confederacy againſt *Rome*; and though they were extremely weakened by the Deſertion of *Appius Claudius*, who went over with five thouſand Families to the *Romans*; yet they could not be entirely ſubdued, till they received a total Overthrow from *Valerius Poplicola* (*b*). But the *AEqui* and the *Volſci*, the moſt obſtinate of the *Latines*, and the continual Enemies of *Rome*, carried on the Remainder of the War for ſeveral Years; till it was happily concluded by *Lucius Quintius*, the famous *Dictator* taken from the Plough, in leſs than fifteen Days Time: Upon which, *Florus* has this Remark, That *he made more than ordinary Haſte to his unfiniſhed Work* (*c*). But they that made the greateſt Oppoſition were the Inhabitants of *Veii*, the Capital of *Tuſcany*, a City not inferior to *Rome*, either in Store of Arms, or Multitude of Soldiers. They had contended with the *Romans*, in a long Series of Battles, for Glory and Empire; but having been weakened and greatly reduced in ſeveral Encounters, they were obliged to ſecure themſelves within the Walls: And, after a ten Years Siege, the Town was forced and ſacked by *Camillus* (*d*). In this manner were the *Romans* extending their Conqueſts, when the Irruption of the *Gauls* made a ſtrange Alteration in the Affairs of *Italy*. They were at this Time beſieging *Cluſium*, a *Tuſcan* City. The *Cluſians* ſent to the *Romans*, deſiring them to interpoſe by Ambaſſadors on their Behalf. Their Requeſt was eaſily granted; and three of the *Fabii*, Perſons of the higheſt Rank in the City, diſpatched for this Purpoſe to the *Gallic* Camp. The *Gauls*, in Reſpect to the Name of *Rome*, received them with all imaginable Civility; but could by no Means be prevailed on to quit the Siege.

(*a*) *Plut. Ibid.* (*b*) *Ibid.* (*c*) *Florus*, lib. 1. cap. 11. (*d*) *Plutarch* in his Life.

Whereupon the Ambaſſadors going into the Town, and encouraging the *Cluſians* to a Sally, one of them was ſeen perſonally engaging in the Action. This, being contrary to the received Law of Nations, was reſented in ſo high a Manner by the Enemy, that, breaking up from before *Cluſium*, the whole Army marched directly towards *Rome*. About eleven Miles from the City, they met with the *Roman* Army commanded by the Military Tribunes, who, engaging without any Order or Diſcipline, received an entire Defeat. Upon the Arrival of this ill News, the greateſt Part of the Inhabitants immediately fled: Thoſe that reſolved to ſtay fortified themſelves in the Capitol. The *Gauls* ſoon appeared at the City Gates; and, deſtroying all with Fire and Sword, carried on the Siege of the Capitol with all imaginable Fury. At laſt, reſolving on a general Aſſault, they were diſcovered by the Cackling of the Geeſe that were kept for that Purpoſe; and as many as had climbed the Rampart were driven down by the valiant *Manlius*; when *Camillus*, ſetting upon them in the Rear with twenty thouſand Men, that he got together about the Country, gave them a total Overthrow. The greateſt Part of thoſe that eſcaped out of the Field were cut off in ſtraggling Parties, by the Inhabitants of the neighbouring Towns and Villages. The City had been ſo entirely demoliſhed, that, upon the Return of the People, they thought of removing to *Veii*, a City ready built, and excellently provided of all Things. But being diverted from this Deſign by an Omen (as they thought) they ſet to the Work, with ſuch extraordinary Diligence and Application, that within the Compaſs of a Year the whole City was rebuilt. They had ſcarce gained a Breathing-time after their Troubles, when the united Powers of the *AEqui*, *Volſci*, and other Inhabitants of *Latium*, at once invaded their Territories. But they were ſoon over-reached by a Stratagem of *Camillus*, and totally routed (*a*).

Nor had the *Samnites* any better Fate, though a People very numerous, and of great Experience in War. The Contention with them laſted no leſs than fifty Years (*b*), when they were finally ſubdued by *Papirius Curſor* (*c*). The *Tarentine* War, that followed, put an End to the entire Conqueſt of *Italy*. *Tarentum*, a City of great Strength and Beauty, ſeated on the *Adriatic* Sea,, was eſpecially re-

(*a*) *Plut.* in *vit. Camil.* (*b*) *Florus*, lib. 1. cap. 16. (*c*) *Liv.* lib. 10. (*d*) *Flor.* lib. 1. cap. 18.

markable

markable for the Commerce it maintained with moſt of the neighbouring Countries, as *Epirus*, *Illyricum*, *Sicily*, &c. (*d*). Among other Ornaments of their City, they had a ſpacious Theatre for public Sports, built hard by the Sea-ſhore. They happened to be engaged in the Celebration of ſome ſuch Solemnity, when, upon Sight of the *Roman* Fleet, that caſually ſailed by their Coaſts, imagining them to be Enemies, they immediately ſet upon them, and, killing the Commander, rifled the greateſt Part of the Veſſels. Ambaſſadors were ſoon diſpatched from *Rome* to demand Satisfaction; but they met with as ill Reception as the Fleet, being diſgracefully ſent away without ſo much as a Hearing. Upon this a War was ſoon commenced between the States. The *Tarentines* were increaſed by an incredible Number of Allies from all Parts: But he that made the greateſt Appearance in their Behalf was *Pyrrhus*, King of *Epirus*, the moſt experienced General of his Time. Beſides the choiceſt of his Troops that accompanied him in the Expedition, he brought into the Field a conſiderable Number of Elephants, a Sort of Beaſt ſcarce heard of till that Time in *Italy*. In the firſt Engagement, the *Romans* were in fair Hopes of a Victory, when the Fortune of the Day was entirely changed upon the coming up of the Elephants; who made ſuch a prodigious Deſtruction in the *Roman* Cavalry, that the whole Army was obliged to retire. But the politic General, having experienced ſo well the *Roman* Courage, immediately after the Victory, ſent to offer Conditions for a Peace; but was abſolutely refuſed. In the next Battle, the Advantage was on the *Roman* Side, who had not now ſuch diſmal Apprehenſions of the Elephants, as before. However, the Buſineſs came to another Engagement; when the Elephants over-running whole Ranks of their own Men, enraged by the Cry of a young one who had been wounded, gave the *Romans* an abſolute Victory (*a*). Twenty-three thouſand of the Enemy were killed (*b*), and *Pyrrhus* finally expelled *Italy*. In this War the *Romans* had a fair Opportunity to ſubdue the other Parts that remained unconquered, under Pretext of Allies to the *Tarentines*. So that at this Time, about the 477th Year of the Building of the City (*c*), they had made themſelves the intire Maſters of *Italy*.

(*a*) *Florus*, Ibid. (*b*) *Eutropius*, lib. 2. (*c*) Ibid.

CHAP. IV.

Of the ROMAN *Affairs, from the Beginning of the first* Punic *War to the first* Triumvirate.

BUT the Command of the Continent could not satisfy the *Roman* Courage, especially while they saw so delicious an Isle as *Sicily* almost within their Reach: They only waited an Occasion to pass the Sea, when Fortune presented as fair a one as they could wish. The Inhabitants of *Messina*, a *Sicilian* City, made grievous Complaints to the Senate, of the daily Encroachments of the *Carthaginians*, a People of vast Wealth and Power, and that had the same Design on *Sicily* as the *Romans* (*a*). A Fleet was soon manned out for their Assistance; and, in two Years Time, no less than fifty Cities were brought over (*b*). The entire Conquest of the Island quickly followed; and *Sardinia* and *Corsica* were taken in about the same Time by a separate Squadron. And now, under the Command of *Regulus* and *Manlius*, the Consuls, the War was translated into *Africa*. Three hundred Forts and Castles were destroyed in their March, and the victorious Legions encamped under the very Walls of *Carthage*. The Enemy, reduced to such Straits, were obliged to apply themselves to *Xantippus*, King of the *Lacedemonians*, the greatest Captain of the Age; who immediately marched to their Assistance with a numerous and well-disciplined Army. In the very first Engagement with the *Romans*, he entirely defeated their whole Power: Thirty thousand were killed on the Spot, and fifteen thousand, with their Consul *Regulus*, taken Prisoners. But as good Success always encouraged the *Romans* to greater Designs; so a contrary Event did but exasperate them the more. The new Consuls were immediately dispatched with a powerful Navy, and a sufficient Number of Land Forces. Several Campaigns were now wasted, without any considerable Advantage on either Side: Or if the *Romans* gained any Thing by their Victories, they generally lost as much by Shipwrecks; when at last the whole Power of both States being drawn together on the Sea, the *Carthaginians* were wholly defeated, with the Loss of 125 Ships sunk in the Engagement; 73 taken, 32,000 Men killed, and 1300 made Prisoners. Upon this they

(*a*) *Florus*, lib. 2. cap. 2. (*b*) *Eutrop.* lib. 2.

were

were compelled to ſue for a Peace; which, after much Intreaty, and upon very hard Conditions, was at laſt obtained (*a*).

But the *Carthaginians* had too great Spirits to ſubmit to ſuch unreaſonable Terms any longer than their Neceſſities obliged them. In four Years Time (*b*) they had got together an Army of 80,000 Foot, and 20,000 Horſe (*c*), under the Command of the famous *Hannibal*; who forcing a Way thro' the *Pyrenean* Mountains and the *Alps*, reputed till that Time impaſſable, deſcended with his vaſt Army into *Italy*. In four ſucceſſive Battles he defeated the *Roman* Forces; in the laſt of which, at *Cannæ*, 40,000 of the latter were killed (*d*): And had he not been merely deſerted by the Envy and Ill-will of his own Countrymen, it is more than probable, that he muſt have entirely ruined the *Roman* State (*e*): But Supplies of Men and Money being ſometimes abſolutely denied him, and never coming but very ſlowly, the *Romans* had ſuch Opportunities to recruit, as they little expected from ſo experienced an Adverſary. The wiſe Management of *Fabius Maximus* was the firſt Revival of the *Roman* Cauſe. He knew very well the Strength of the Enemy, and therefore marched againſt him without intending to hazard a Battle; but to wait conſtantly upon him, to ſtraiten his Quarters, intercept his Proviſions, and ſo make the victorious Army pine away with Penury and Want. With this Deſign he always encamped upon the high Hills, where the Horſe could have no Acceſs to him: When they marched, he did the ſame; but at ſuch a Diſtance, as not to be compelled to an Engagement. By this Policy he ſo broke *Hannibal*'s Army, as to make him abſolutely deſpair of getting any Thing in *Italy* (*f*). But the Concluſion of the War was owing to the Conduct of *Scipio:* He had before reduced all *Spain* into Subjection; and now taking the ſame Courſe as *Hannibal* at firſt had done, he marched with the greateſt Part of the *Roman* Forces into *Africa*; and, carrying all before him to the very Walls of *Carthage*, obliged the Enemy to call home their General out of *Italy*, for the Defence of the City. *Hannibal* obeyed; and both Armies coming to an Engagement, after a long Diſpute, wherein the Commanders and Soldiers of both Sides are reported to have outdone themſelves, the Victory fell to the *Romans*. Whereupon the Enemy were obliged once more to ſue for a Peace; which was again granted them, though upon much harder Conditions than before.

(*a*) *Eutrop.* lib. 2. (*b*) *Florus*, lib. 2. cap. 6. (*c*) *Eutrop.* lib. 3.
(*d*) *Ibid.* (*e*) *Cornelius Nepos* in vit. *Hannibal.* (*f*) *Plut.* in vit. *Fab. Max.*

The

The *Romans*, by the happy Concluſion of this War, had ſo highly advanced themſelves in the Opinion of the neighbouring States, that the *Athenians*, with the greateſt Part of *Greece*, being at this Time miſerably enſlaved by *Philip* King of *Macedon*, unanimouſly petitioned the Senate for Aſſiſtance. A Fleet, with a ſufficient Number of Land-Forces, were preſently diſpatched to their Relief; by whoſe Valour, the Tyrant, after ſeveral Defeats, was compelled to reſtore all *Greece* to their antient Liberties, obliging himſelf to pay an annual Tribute to the Conquerors (*a*).

Hannibal, after his late Defeat, had applied himſelf to *Antiochus* King of *Syria*, who at this Time was making great Preparations againſt the *Romans*. *Acilius Glabrio* was firſt ſent to oppoſe him, and had the Fortune to give him ſeveral Defeats; when *Cornelius Scipio* the *Roman* Admiral, engaging with the King's Forces at Sea, under the Command of *Hannibal*, intirely ruined the whole Fleet. Which Victory being immediately followed by another as ſignal at Land, the effeminate Prince was contented to purchaſe a Peace at the Price of almoſt half his Kingdom (*b*).

The victorious *Romans* had ſcarce concluded the Public Rejoicings on Account of the late Succeſs, when the Death of *Philip* King of *Macedon* preſented them with an Occaſion of a more glorious Triumph. His Son *Perſeus*, that ſucceeded, reſolving to break with the Senate, applied himſelf wholly to raiſing Forces, and procuring other Neceſſaries for a War. Never were greater Appearances in the Field than on both Sides, moſt of the conſiderable Princes in the World being engaged in the Quarrel. But Fortune ſtill declared for the *Romans*, and the greateſt Part of *Perſeus*'s prodigious Army was cut off by the Conſul *Emilius*, and the King obliged to ſurrender himſelf into the Hands of the Conqueror (*c*). Authors that write of the four Monarchies, here fix the End of the *Macedonian* Empire.

But *Rome* could not think herſelf ſecure amongſt all theſe Conqueſts, while her old Rival *Carthage* was yet ſtanding; So that, upon a ſlight Provocation, the City, after three Years Siege, was taken, and utterly razed, by the Valour of *Publius Scipio*, Grandſon, by Adoption, to him that conquered *Hannibal* (*d*).

Not long after, *Attalus* King of *Pergamus*, dying without Iſſue, left his vaſt Territories, containing near all *Aſia*, to the

(*a*) *Eutrop.* l. 4. (*b*) *Florus*, l. 2. c. 8. (*c*) *Vell. Paterc.* l. 1. (*d*) *Ibid.*

Romans

Romans (*a*). And what of *Africa* remained unconquered was for the moſt Part, reduced in the *Jugurthine* War, that immediately followed; *Jugurtha* himſelf, after ſeveral Defeats, being taken Priſoner by *Marius*, and brought in Triumph to *Rome* (*b*).

And now after the Defeat of the *Teutones* and *Cimbri*, that had made an Inroad into *Italy*, with ſeveral leſſer Conqueſts in *Aſia* and other Parts, the *Mithridatic* War, and the Civil War between *Marius* and *Sylla*, broke out both in the ſame Year (*c*). *Sylla* had been ſent General againſt *Mithridates* King of *Pontus*, who had ſeized on the greateſt Part of *Aſia* and *Achaia* in an hoſtile Manner; when, before he was got out of *Italy*, *Sulpicius*, the Tribune of the People, and one of *Marius*'s Faction, preferred a Law to recall him, and to depute *Marius* in his Room. Upon this, *Sylla*, leading back his Army, and overthrowing *Marius* and *Sulpicius* in his Way, having ſettled Affairs at *Rome*, and baniſhed the Authors of the late Sedition, returned to meet the Foreign Enemy (*d*). His firſt Exploit was the taking of *Athens*, and ruining of the famous Mole in the Haven *Piræus* (*e*). Afterwards, in two Engements, he killed and took near 130,000 of the Enemy, and compelled *Mithridates* to ſue for a Truce (*f*). In the mean Time *Marius*, being called home by the new Conſuls, had exerciſed all Manner of Cruelty at *Rome:* Whereupon, taking the Opportunity of the Truce, *Sylla* once more marched back towards *Italy*. *Marius* was dead before his Return (*g*); but his two Sons, with the Conſuls, raiſed ſeveral Armies to oppoſe him. But ſome of the Troops being drawn over to his Party, and the others routed, he entered the City, and diſpoſed all Things at his Pleaſure, aſſuming the Title and Authority of a perpetual Dictator. But having regulated the State, he laid down that Office, and died in Retirement (*h*).

Mithridates had ſoon broke the late Truce, and invaded *Bithynia* and *Aſia*, with as great Fury as ever; when the *Roman* General *Lucullus*, routing his vaſt Armies by Land and Sea, chaſed him quite out of *Aſia*; and had infallibly put an happy Concluſion to the War, had not Fortune reſerved that Glory for *Pompey* (*i*). He being deputed in the Room of *Lucullus*, after the Defeat of the new Forces of *Mithridates*, compelled him to fly to his Father-in-Law *Tigranes*

(*a*) *Eutrop.* lib. 4. (*b*) *Ibid.* (*c*) *Eutrop.* lib. 5. (*d*) *Ibid.* (*e*) *Vell. Paterc.* lib. 2. (*f*) *Eutrop.* lib. 5. (*g*) *Vell. Paterc.* lib. 2. (*h*) *Aurelius Victor in vit. Sylla.* (*i*) *Vell. Paterc.* ibid.

King

King of *Armenia*. *Pompey* followed with his Army; and ſtruck ſuch a Terror into the whole Kingdom, that *Tigranes* was conſtrained in an humble Manner to preſent himſelf to the General, and offer his Realm and Fortune to his Diſpoſal. At this Time the *Catalinarian* Conſpiracy broke out, more famous for the Obſtinacy than the Number of the Rebels; but this was immediately extinguiſhed by the timely Care of *Cicero*, and the happy Valour of *Antony*. The Senate, upon the News of the extraordinary Succeſs of *Pompey*, were under ſome Apprehenſion of his affecting the Supreme Command at his Return, and altering the Conſtitution of the Government. But when they ſaw him diſmiſs his vaſt Army at *Brunduſium*, and proceeded in the reſt of his Journey to the City with no other Company than his ordinary Attendants, they received him with all the Expreſſions of Complacency and Satisfaction, and honoured him with a ſplendid Triumph (*k*).

(*k*) *Vell. Paterc. ib.*

CHAP. V.

Of the ROMAN *Affairs, from the Beginning of the firſt* Triumvirate *to the End of the twelve* Cæſars.

THE three Perſons that at this Time bore the greateſt Sway in the State, were *Craſſus*, *Pompey*, and *Cæſar*. The firſt by reaſon of his prodigious Wealth; *Pompey* for his Power with the Soldiers and Senate; and *Cæſar* for his admirable Eloquence, and a peculiar Nobleneſs of Spirit. When now taking Advantage of the Conſulſhip of *Cæſar*, they entered into a ſolemn Agreement to let nothing paſs in the Commonwealth without their joint Approbation (*a*). By virtue of this Alliance, they had in a little Time procured themſelves the three beſt Provinces in the Empire, *Craſſus Aſia*, *Pompey Spain*, and *Cæſar Gaul*. *Pompey*, for the better retaining of his Authority in the City, choſe to manage his Province by Deputies (*b*); the other two entered on their Governments in Perſon. But *Craſſus* ſoon after, in an Expedition he undertook againſt the *Parthians*, had the ill Fortune to loſe the greateſt Part of his Army, and was him-

(*a*) *Suet.* in *Jul. Cæſ.* cap. 19. (*b*) *Paterc.* lib. 2. cap. 48.

was

ſelf treacherouſly murdered (*a*). In the mean Time *Cæſar* was performing Wonders in *Gaul.* No leſs than 40,000 of the Enemy he had killed, and taken more Priſoners: And nine Years together (which was the whole Time of his Government) deſerves a Triumph for the Actions of every Campaign (*b*). The Senate, amazed at this ſtrange Relation of his Victories, were eaſily inclined to ſuſpect his Power: So that taking the Opportunity when he petitioned for a ſecond Conſulſhip, they ordered him to diſband his Army, and appear as a private Perſon at the Election (*c*). *Cæſar* endeavoured by all Means to come to an Accommodation: But finding the Senate violently averſe to his Intereſt, and reſolved to hear nothing but what they firſt propoſed (*d*), he was conſtrained to march towards *Italy* with his Troops, to terrify or force them into a Compliance. Upon the News of his Approach, the Senate, with the greateſt Part of the Nobility, paſſing over into *Greece*, he entered the City without Oppoſition, and creating himſelf Conſul and Dictator, haſtened with his Army into *Spain*; where the Troops under *Pompey*'s Deputies were compelled to ſubmit themſelves to his Diſpoſal. With this Reinforcement he advanced towards *Macedonia*, where the Senate had got together a prodigious Army under the Command of *Pompey*. In the firſt Engagement, he received a conſiderable Defeat. But the whole Power on both Sides being drawn up on the Plains of *Theſſaly*, after a long Diſpute the Victory fell to *Cæſar*, with the entire Ruin of the adverſe Party. *Pompey* fled directly towards *Egypt*, *Cæſar*, with his victorious Legions immediately followed. Hearing at his Arrival, that *Pompey* had been killed by Order of King *Ptolemy*, he laid cloſe Siege to *Alexandria*, the capital City; and having made himſelf abſolute Maſter of the Kingdom, committed it to the Care of *Cleopatra*, Siſter to the late King (*e*). *Scipio* and *Juba* he ſoon after overcame in *Africa*, and *Pompey*'s two Sons in *Spain* (*f*). And now being received at his Return with the general Applauſe of the People and Senate, and honoured with the glorious Titles of, *Father of his Country*, and *perpetual Dictator*, he was deſigning an Expedition into *Parthia*; when, after the Enjoyment of the ſupreme Command no more than five Months, he was murdered in the Senate-Houſe (*g*): *Brutus* and *Caſſius*, with moſt of the other Conſpirators, being his particular Friends, and ſuch as he had obliged in the higheſt Manner.

(*a*) *Plutarch* in *Craſſo.* (*b*) *Paterc.* l. 2. (*c*) *Ibid.* c. 29. (*d*) *Ibid.* c. eod. (*e*) *Suet. in Jul. Cæſ.* c. 35. (*f*) *Ibid.* c. eod. (*g*) *Paterc.* l. 2. c. 56.

A Civil

A Civil War neceſſarily followed, in which the Senate, conſiſting for the moſt Part of ſuch as had embraced the Faction of *Pompey*, declared in Favour of the Aſſaſſins, while *Mark Antony* the Conſul undertook the Revenge of *Cæſar*. With this Pretence he exerciſed all Manner of Tyranny in the City, and had no other Deſign but to ſecure the chief Command to himſelf. At laſt, the Senate were obliged to declare him an Enemy to the State; and, in purſuance of their Edict, raiſed an Army to oppoſe him under the Command of *Hirtius* and *Panſa* the new Conſuls, and *Octavius* Nephew and Heir to *Cæſar* (*a*). In the firſt Engagement *Antony* was defeated; but *Hirtius* being killed in the Fight, and *Panſa* dying immediately after, the ſole Command of the Army came into the Hands of *Octavius* (*b*). The Senate before the late Victory, had expreſſed an extraordinary Kindneſs for him, and honoured him with ſeveral Marks of their particular Eſteem: But now, being freed from the Danger they apprehended from *Antony*, they ſoon altered their Meaſures; and taking little Notice of him any longer, decreed the two Heads of the late Conſpiracy, *Brutus* and *Caſſius*, the two Provinces of *Syria* and *Macedonia*, whither they had retired upon Commiſſion of the Fact (*c*). *Octavius* was very ſenſible of their Deſigns, and thereupon was eaſily induced to conclude a Peace with *Antony*: And ſoon after entering into an Aſſociation with him and *Lepidus*, as his Uncle had done with *Craſſus* and *Pompey*, he returned to *Rome*, and was elected Conſul when under twenty Years of Age (*d*). And now, by the Power of him and his two Aſſociates, the Senate was for the moſt Part baniſhed, and a Law preferred by his Collegue *Pedius*, That all who had been concerned in the Death of *Cæſar*, ſhould be proclaimed Enemies to the Commonwealth, and proceeded againſt with all Extremity (*e*). To put this Order in Execution, *Octavius* and *Antony* advanced with their Forces under their Command toward *Macedonia*, where *Brutus* and *Caſſius* had got together a numerous Army to oppoſe them: Both Parties meeting near the City *Philippi*, the Traitors were defeated, and the two Commanders died ſoon after by their own Hands (*f*). And now for ten Years, all Affairs were managed by the *Triumviri*; when *Lepidus*, ſetting up for himſelf in *Sicily*, was contented, upon the Arrival of *Octavius*, to compound for his Life, with the diſhonourable Reſignation of his Share

(*a*) *Paterc.* l. 2. c. 61. (*b*) *Suet.* in *Auguſt.* c. 11. (*c*) *Florus* l. 4 c. 7. (*d*) *Paterc.* l. 2. c. 65. (*e*) *Ib.* (*f*) *Florus.* l. 2. c. 7.

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in the Government (*a*). The Friendſhip of *Octavius* and *Antony* was not of much longer Continuance: For the latter, being for ſeveral Enormities declared an Enemy to the State, was finally routed in a Sea-Engagement at *Actium*; and flying thence with his Miſtreſs *Cleopatra*, killed himſelf ſoon after, and left the ſole Command in the Hands of *Octavius*. He, by his Prudence and Moderation, gained ſuch an intire Intereſt in the Senate and People, that when he offered to lay down all the Authority he was inveſted with above the reſt, and to reſtore the Commonwealth to the antient Conſtitution, the unanimouſly agreed in this Opinion, That their Liberty was ſooner to be parted with, than ſo excellent a Prince. However, to avoid all Offence, he rejected the very Names he thought might be diſpleaſing, and above all Things, the Title of *Dictator*, which had been ſo odious in *Sylla* and *Cæſar*. By this Means he was the Founder of that Government which continued ever after in *Rome*. The new Acquiſitions to the Empire were in his Time very conſiderable: *Cantabria*, *Aquitania*, *Pannonia*, *Dalmatia*, and *Illyricum* being wholly ſubdued: the *Germans* were driven beyond the River *Albis*, and two of their Nations, the *Suevi* and *Sicambri*, tranſplanted into *Gaul* (*b*).

Tiberius, tho' in *Auguſtus*'s Time he had given Proofs of an extraordinary Courage in the *German* War (*c*); yet upon his own Acceſſion to the Crown is memorable for no Exploit, but the reducing of *Cappadocia* into a *Roman* Province (*d*): And this was owing more to his Cunning, than his Valour. And at laſt, upon his infamous Retirement into the Iſland *Capreæ*, he grew ſo ſtrangely negligent of the public Affairs, as to ſend no Lieutenants for the Government of *Spain* and *Syria*, for ſeveral Years; to let *Armenia* be over-run by the *Parthians*, *Mæſia* by the *Dacians* and the *Sarmatians*, and almoſt all *Gaul* by the *Germans*; to the extreme Danger, as well as Diſhonour of the Empire (*e*). *Caligula*, as he far ſucceeded his Predeceſſor in all Manner of Debauchery, ſo in Relation to Martial Affairs he was much his Inferior. However, he is famous for a Mock-Expedition that he made againſt the *Germans*; when arriving in that Part of the *Low-Countries* which is oppoſite to *Britain*, and receiving into his Protection a fugitive Prince of the Iſland, he ſent boaſting Letters to the Senate, giving an Account of the happy Conqueſt of the whole Kingdom. (*f*). And ſoon after making his Soldiers fill

(*a*) *Paterc.* l. 2. c. 80. (*b*) *Sueton* in *Auguſt.* c. 21. (*c*) *Vide Paterc.* l. 2. cap. 106. *&c.* (*d*) *Eutrop.* l. 7. (*e*) *Sueton.* in *Tib.* cap. 41. (*f*) *Sueton.* in *Calig.* cap. 41.

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their Helmets with Cockle-ſhells and Pebbles, which he called, *The Spoils of the Ocean* (*a*), returned to the City to demand a Triumph. And when that Honour was denied him by the Senate, he broke out into ſuch extravagant Cruelties, that he even compelled them to cut him off, for the Security of their own Perſons (*b*). Nay, he was ſo far from entertaining any Deſire of benefiting the Public, that he often complained of his ill Fortune, becauſe no ſignal Calamity happened in his Time; and made it his conſtant Wiſh, That either the utter Deſtruction of an Army, or ſome Plague, Famine or Earthquake, or other extraordinary Deſolation might continue the Memory of his Reign to ſucceeding Ages (*c*).

Caligula being aſſaſſinated, the Senate aſſembled in the Capitol, to debate about extinguiſhing the Name and Family of the *Cæſars*, and reſtoring the Commonwealth to the old Conſtitution (*d*): When one of the Soldiers that were ranſacking the Palace lighting caſually upon *Claudius*, Uncle to the late Emperor, where he had hid himſelf in a Corner behind the Hangings, pulled him out to the reſt of his Gang, and recommended him as the fitteſt Perſon in the World to be Emperor. All were ſtrangely pleaſed at the Motion; and taking him along with them by Force, lodged him among the Guards (*e*). The Senate, upon the firſt Information, ſent immediately to ſtop their Proceedings: But not agreeing among themſelves, and hearing the Multitude call out for one Governor, they were at laſt conſtrained to confirm the Election of the Soldiers; eſpecially ſince they had pitched upon ſuch an eaſy Prince, as would be wholly at their Command and Diſpoſal (*f*). The Conqueſt of *Britain* was the moſt memorable Tranſaction in his Time; owing partly to an Expedition that he made in Perſon, but chiefly to the Valour of his Lieutenants, *Oſtorius*, *Scapula*, *Aulus Plautius*, and *Veſpaſian*. The Bounds of the Empire were in his Reign as follow; *Meſopotamia* in the Eaſt; the *Rhine* and *Danube* in the *North*; *Mauritania* in the *South*, and *Britain* in the *Weſt* (*g*).

The *Roman* Arms cannot be ſuppoſed to have made any conſiderable Progreſs under *Nero*; eſpecially when *Suetonius* tells us, he neither hoped or deſired the Enlargement of the Empire (*h*). However, two Countries were in his Time reduced into *Roman* Provinces; the Kingdom of

(*a*) *Idem*, cap. 46. (*b*) *Idem*, cap. 47. (*c*) *Idem*, c. 49. & 56. (*d*) *Idem*, cap. 31. (*e*) *Idem*, cap. 60. (*f*) *Idem* in *Claud.* cap. 10. (*g*) *Aurelius Victor de Cæſaribus in Caligula.* (*h*) *Aurelius Victor de Cæſaribus* in *Claud.*

Pontus,

Pontus, and the *Cottian Alpes*, or that Part of the Mountains which divides *Dauphiné* and *Piedmont*, *Britain* and *Armenia* were once both loſt (*a*), and not without great Difficulty recovered. And indeed, his Averſion to the Camp made him far more odious to the Soldiers, than all his other Vices, to the People: So that when the Citizens had the Patience to endure him for fourteen Years, the Army under *Galba*, his Lieutenant in *Spain*, were conſtrained to undertake his Removal.

Galba is acknowledged on all Hands for the great Reformer of martial Diſcipline: And though before his Acceſſion to the Empire, he had been famous for his Exploits in *Germany* and other Parts (*b*); yet the Shortneſs of his Reign hindered him from making any Advancements afterwards. His Age and Severity were the only Cauſes of his Ruin: The firſt of which rendered him contemptible, and the other odious. And the Remedy he uſed to appeaſe the Diſſatisfactions only ripened them for Revenge. For immediately upon his adopting *Piſo*, by which he hoped to have pacified the People, *Otho*, who had ever expected that Honour, and was now enraged at his Diſappointment (*c*), upon Application made to the Soldiers, eaſily procured the Murder of the old Prince, and his adopted Son; and by that Means advanced himſelf to the Imperial Dignity.

About the ſame Time, the *German* Army under *Vitellius*, having an equal Averſion to the old Emperor with thoſe at *Rome*, had ſworn Allegiance to their own Commander. *Otho*, upon the firſt Notice of their Deſigns, had ſent to proffer *Vitellius* an equal Share in the Government with himſelf (*d*). But all Propoſals for an Accommodation being refuſed, and himſelf compelled, as it were, to march againſt the Forces that were ſent towards *Italy*, he had the good Fortune to defeat them in three ſmall Engagements. But having been defeated in a greater Fight at *Bebriacum*, though he had ſtill ſufficient Strength for carrying on the War, and expected daily a Reinforcement from ſeveral Parts (*e*); yet he could not be prevailed on to hazard another Battle; but killed himſelf with his own Hands. On this Account, *Pagan* Authors, though they repreſent his Life as the moſt exact Picture of unmanly Softneſs, yet generally confeſs his Death equal to the nobleſt Antiquity; and the ſame Poet (*f*) that has given him the laſting Title of *mollis Otho*, hath yet ſet him in Competition with the famous *Cato*, in Reference to the final Action of his Life.

(*a*) *Sueton.* in *Nerone*, cap. 18. (*b*) *Sueton.* in *Galb.* cap. 8. (*c*) *Idem*, cap. 17. (*d*) *Sueton.* in *Othon.* cap. 8. (*e*) *Ibid.* cap. 9. (*f*) *Martial.*

It has been obſerved of *Vitellius*, that he obtained the Empire by the ſole Valour of his Lieutenants, and loſt it purely on his own Account. His extreme Luxury and Cruelty were for this Reaſon the more deteſtable, becauſe he had been advanced to that Dignity, under the Opinion of his being the Patron of his Country, and the Reſtorer of the Rights and Liberties of the People. Within eight Months Time, the Provincial Armies had unanimouſly agreed on *Veſpaſian* (*a*) for their Emperor; and the Tyrant *Vitellius*, after being ſtrangely mangled by the extreme Fury of the Soldiers and Rabble, was at laſt dragged into the River *Tiber* (*b*).

The Republic was ſo far from making any Advancement under the Diſturbances of the three laſt Reigns, that ſhe muſt neceſſarily have felt the fatal Conſequences of them, had ſhe not been ſeaſonably relieved by the happy Management of *Veſpaſian*. It was a handſome Turn of ſome of his Friends, when, by Order of *Caligula*, his Boſom had by Way of Puniſhment been ſtuffed with Dirt, to put this Interpretation on the Accident, that the Commonwealth being miſerably abuſed, and even *trodden under Foot*, ſhould hereafter *fly to his Boſom* for Protection (*c*); and indeed, he ſeems to have made it his whole Care and Deſign to reform the Abuſes of the City and State, occaſioned by the Licentiouſneſs of the late Times. Nine Provinces he added to the Empire (*d*), and was ſo very exact in all Circumſtances of his Life and Conduct, that one, who has examined them both with all the Niceneſs imaginable, can find nothing in either that deſerves Reprehenſion, except an immoderate Deſire of Riches (*e*). And he covertly excuſes him for this, by extolling at the ſame Time his extraordinary Magnificence and Liberality (*f*).

But perhaps he did not more oblige the World by his own Reign, than by leaving ſo admirable a Succeſſor as his Son *Titus*; the only Prince in the World that has the Character of never doing an ill Action. He had given ſufficient Proof of his Courage in the famous Siege of *Jeruſalem*, and might have met with as good Succeſs in other Parts, had he not been prevented by an untimely Death, to the univerſal Grief of Mankind.

But *Domitian* ſo far degenerated from the two excellent Examples of his Father and Brother, as to ſeem more emu-

(*a*) *Sueton.* in *Vitell.* cap. 15. (*b*) *Id. ibid.* cap. 17. (*c*) *Sueton.* in *Veſpaſ.* cap. 5. (*d*) *Eutrop.* lib. 7. (*e*) *Id. ibid.* cap. 16. (*f*) *Id. ibid.* cap. 17, 18.

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lous of copying *Nero* or *Caligula*. But as to martial Affairs, he was as happy as moſt of his Predeceſſors; having in four Expeditions ſubdued the *Catti*, *Daci*, and the *Sarmatians*, and extinguiſhed a Civil War in its Beginning (*a*). By theſe Means he had ſo intirely gained the Affections of the Soldiers, that when we meet with his neareſt Relations, and even his Wife, engaged in his Murder (*b*), yet we find the Army ſo extremely diſſatisfied, as to have wanted only a Leader to revenge his Death (*c*).

(*a*) *Sueton.* in *Domit.* cap. 6. (*b*) *Id. ibid.* cap. 14. (*c*) *Id. ibid.* cap. 23.

CHAP. VI.

Of the ROMAN *Affairs, from* Domitian *to the End of* Conſtantine the Great.

THE two following Emperors have been deſervedly ſtiled the Reſtorers of the *Roman* Grandeur; which, by Reaſon of the Viciouſneſs, or Negligence, of the former Princes, had been extremely impaired.

Nerva, though a Perſon of extraordinary Courage and Virtue, yet did not enjoy the Empire long enough to be on any other Account ſo memorable, as for ſubſtituting ſo admirable a Succeſſor in his Room as *Trajan*.

It was he, that, for the Happineſs which attended his Undertakings, and for his juſt and regular Adminiſtration of the Government, has been ſet in Competition even with *Romulus*. It was he, that advanced the Bounds of the Empire farther than all his Predeceſſors; reducing into *Roman* Provinces the five vaſt Countries of *Dacia*, *Aſſyria*, *Armenia*, *Meſopotamia*, and *Arabia* (*a*). And yet his prudent Management in Peace has been generally preferred to his Exploits in War. His Juſtice, Candour, and Liberality, having gained him ſuch an univerſal Eſteem and Veneration, that he was even deified before his Death.

(*a*) *Eutrop.* lib. 8.

Adrian's Character has more of the Scholar than the Soldier: Upon which Account, as much as out of Envy to his Predeceſſor, he ſlighted three of the Provinces that had been taken by *Trajan*, and was contented to fix the Bounds of the Empire at the River *Euphrates* (*a*). But perhaps he is the firſt of the *Roman* Emperors that ever took a Circuit round his Dominions, as we are aſſured he did (*b*).

Antoninus Pius ſtudied more the Defence of the Empire, than the Enlargement of it. However, his admirable Prudence and ſtrict Reformation of Manners rendered him, perhaps, as ſerviceable to the Commonwealth as the greateſt Conquerors.

The two *Antonini*, *Marcus* and *Lucius*, were they that made the firſt Diviſion of the Empire. They are both famous for a ſucceſsful Expedition againſt the *Parthians*: And the former, who was the longeſt Liver, is eſpecially remarkable for his extraordinary Learning and ſtrict Profeſſion of *Stoiciſm*; whence he has obtained the Name of *the Philoſopher*.

Commodus was as noted for all Manner of Extravagances, as his Father was for the contrary Virtues; and, after a very ſhort Enjoyment of the Empire, was murdered by one of his Miſtreſſes (*c*).

Pertinax too was immediately cut off by the Soldiers, who found him a more rigid Exactor of Diſcipline, than they had been lately uſed to. And now, claiming to themſelves the Privilege of chooſing an Emperor, they fairly expoſed the Dignity to Sale (*d*).

Didius Julian was the higheſt Bidder, and was thereupon inveſted with the Honour. But as he only expoſed himſelf to Ridicule by ſuch a mad Project, he was in an Inſtant made away with, in Hopes of another Bargain. *Zoſimus* makes him no better than a Sort of an Emperor in a Dream (*e*).

But the *Roman* Valour and Diſcipline were in a great Meaſure reſtored by *Severus*. Beſides a famous Victory over the *Parthians*, the old Enemies of *Rome*, he ſubdued the greateſt Part of *Perſia* and *Arabia*, and marching into the Iſland of *Britain*, delivered the poor Natives from the miſerable Tyranny of the *Scots* and *Picts*; which an excellent Hiſtorian (*f*) calls the greateſt Honour of his Reign.

(*a*) *Eutrop.* lib. 8. (*b*) *Id. ibid.* (*c*) *Zoſimus*, Hiſt. lib. 1. (*d*) *Ibid.* (*e*) *Ibid.* (*f*) *Ælius Spartian.* in *Sever.*

Antoninus

Antoninus Caracalla had as much of a martial Spirit in him as his Father, but died before he could deſign any Thing memorable, except an Expedition againſt the *Parthians*, which he had juſt undertaken.

Opilius Macrinus and his Son *Diadumen* had made very little Noiſe in the World, when they were cut off without much Diſturbance, to make room for *Heliogabalus*, Son of the late Emperor.

If he was extremely pernicious to the Empire by his extravagant Debaucheries, his Succeſſor *Alexander Severus* was as ſerviceable to the State in reſtoring Juſtice and Diſcipline. His nobleſt Exploit was an Expedition againſt the *Perſians*, in which he overcame their famous King *Xerxes* (*a*).

Maximin, the firſt that from a common Soldier aſpired to the Empire, was ſoon taken off by *Pupienus*; and he, with his Collegue *Balbinus*, quickly followed; leaving the ſupreme Command to *Gordian*, a Prince of great Valour and Fortune, and who might probably have extinguiſhed the very Name of the *Perſians* (*b*), had he not been treacherouſly murdered by *Philip*, who within a very little Time ſuffered the like Fortune himſelf.

Decius in the former Part of his Reign had been very ſucceſsful againſt the *Scythians* and other barbarous Nations; but was at laſt killed, together with his Son, in an unfortunate Engagement (*c*).

But *Gallus*, who ſucceeded him, not only concluded a ſhameful League with the *Barbarians*, but ſuffered them to over-run all *Thrace*, *Theſſaly*, *Macedon*, *Greece*, *&c.* (*d*).

They were juſt threatening *Italy*, when his Succeſſor *Æmilian* chaſed them off with a prodigious Slaughter: And, upon his Promotion to the Empire, promiſed the Senate to recover all the *Roman* Territories that had been entirely loſt, and to clear thoſe that were over-run (*e*). But he was prevented after three Months Reign, by the common Fate of the Emperors of that Time.

After him *Valerian* was ſo unfortunate as to loſe the greateſt Part of his Army in an Expedition againſt the *Perſians*, and to be kept Priſoner himſelf in that Country till the Time of his Death (*f*).

(*a*) *Eutrop.* lib. 8. (*b*) *Pompon. Lætus.* in *Gordian.* (*c*) *Idem*, in *Decio.* (*d*) *Idem*, in *Gallo.* (*e*) *Idem*, *ibid.* (*f*) *Idem*, in *Valeriano.*

Upon the taking of *Valerian* by the *Perſians*, the Management of Affairs was committed to his Son *Galloinus*; a Prince ſo extremely negligent and vicious, as to become the equal Scorn and Contempt of both Sexes (*a*): The Looſeneſs of his Government gave Occaſion to the Uſurpation of the thirty Tyrants; of whom ſome indeed truly deſerved that Name; others were Perſons of great Courage and Virtue, and very ſerviceable to the Commonwealth (*b*). In his Time the *Almaigns*, after they had waſted all *Gaul*, broke into *Italy*. *Dacia*, which had been gained by *Trajan*, was entirely loſt; all *Greece*, *Macedon*, *Pontus*, and *Aſia*, over-run by the *Goths*. The *Germans* too had proceeded as far as *Spain*, and taken the famous City *Terraco*, now *Tarragona*, in *Catalonia* (*c*).

This deſperate State of Affairs was in ſome meaſure redreſſed by the happy Conduct of *Claudius*, who, in leſs than two Years Time, routed near three hundred thouſand *Barbarians*, and put an intire End to the *Gothic* War: Nor were his other Accompliſhments inferior to his Valour; an elegant Hiſtorian (*d*) having found in him the Virtue of *Trajan*, the Piety of *Antoninus*, and the Moderation of *Auguſtus*.

Quintilius was, in all Reſpects, comparable to his Brother; whom he ſucceeded, not on Account of his Relation, but his Merits (*e*). But reigning only ſeventeen Days, it was impoſſible he could do any Thing more than raiſe an Expectation in the World.

If any of the *Barbarians* were left within the Bounds of the Empire by *Claudius*, *Aurelian* intirely chaſed them out. In one ſingle War he is reported to have killed a thouſand of the *Sarmatians* with his own Hands (*f*). But his nobleſt Exploit was the conquering of the famous *Zenobia*, Queen of the Eaſt (as ſhe ſtiled herſelf) and the taking of her Capital City *Palmyra*. At his Return to *Rome*, there was ſcarce any Nation in the World, out of which he had not a ſufficient Number of Captives to grace his Triumph: The moſt conſiderable were the *Indians*, *Arabians*, *Goths*, *Franks*, *Suevians*, *Saracens*, *Vandals*, and *Germans* (*g*).

Tacitus was contented to ſhew his Moderation and Juſtice, in the quiet Management of the Empire, without any hoſtile Deſign: Or had he any ſuch Inclinations, his ſhort Reign muſt neceſſarily have hindered their Effect.

Probus, to the wiſe Government of his Predeceſſor, added the Valour and Conduct of a good Commander: It was he that obliged the barbarous Nations to quit all their footing

(*a*) *Trebell. Pollio* in *Tyran.* (*b*) *Id.* in *Gallieno.* (*c*) *Eutrop.* l. 9. (*d*) *Trebell. Pollio* in *Claudio.* (*e*) *Ibid.* (*f*) *Flavius Vopiſc.* in *Aureliano.* (*g*) *Ibid.*

in


C. CAESAR DICT. PERPETVO
CAESAR AVGVSTVS DIVI F. PATER PATRIAE
TI. CAESAR DIVI AVG. F. AVGVSTVS
CAESAR AVG. PONT. MAX. TR. POT. IIII. COS III
TI. CLAVDIVS CAESAR AVG. GERM. P. M. TR. P. IMP. VI. COS DES. V. P. P.
IMP. NERO CAESAR AVGVSTVS
IMP. SERG. GALBA AVG. TR. P. P. P.
IMP. OTHO CAESAR. AVG. TR.
A. VITELLIVS GERMANICVS IMP. AVGVR. P.
IMP. CAESAR VESPASIANVS AVG.
TI. CAES. IMP. VESP. CENS. P. P.
CAES. DIVI EDOMITIANVS COS VII
IMP. NERVA CAES. AVG. P. M. TR. P.
IMP. CAES. TRAIAN. OPTIMO AVG. GERMANIC.
HADRIANVS AVGVSTVS
ANTONINVS AVG. PIVS P. P.
IMP. T. AELIVS CAESAR ANTONINVS AVG.
IMP. CAES. L. AVREL. VERVS AVG.
M. COMMOD. ANTONINVS AVG.
IMP. CAES. PERTINAX AVG.
IMP. C. M. D. IVLIAN. AVG.
SEPTIMIVS SEVERVS AVG. PART. MAX.
ANTONINVS. PIVS FEL. AVG.
IMP. C. M. AEL. SEV. ALEXANDER AVG.
IMP. CAES. M. ANTONINVS AVG.
IMP. C. MAVR. SEV. ALEXAND. AVG.
IMP. MAXIMINVS. PIVS. AVG.
IMP. C. D. CAEL. BALBINVS AVG.
IMP. C. L. DOMITIVS AVRELIANVS AVG.
IMP. C. M. ANTONIVS GORDIANVS AFR. AVG.
IMP. PHILIPPVS AVG.
IMP. C. M. AVR. SEVERVS ALEXANDER AVG.
IMP. CAES. C. VIBIVS TREBONIANVS GALLVS AVG.
C. VALENS HOSTIL. MES QVINTIANVS
IMP. C. VIB. VOLVSIANO AVG.
IMP. C. PIL. VALERIANO AVG.
GALLIENVS PF AVG.
IMP. CLAVDIVS CAES.
IMP. AVRELIANVS AVG.
IMP. C. L. TACITVS AVG.
IMP. CAES. AVR. PROBVS AVG.
IMP. C. M. AVR. CARVS PF. AVG.
IMP. C. M. AVR. CARINVS PF. AVG.
IMP. NVMERIANVS AVG.
IMP. DIOCLETIANVS AVG.
MAXIMIANVS AVG.
D. N. CONSTANTIVS NOBC.
IMP. CAI. MAXIMIANVS REAVG.
CONSTANTINVS PF. AVG.



in *Gaul*, *Illyricum*, and ſeveral Provinces of the Empire, ſo that even the *Parthians* ſent him flattering Letters, confeſſing the diſmal Apprehenſions they entertained of his Deſigns againſt their Country, and beſeeching him to favour them with a Peace (*a*).

There was ſcarce any Enemy left to his Succeſſor *Carus*, except the *Perſians*; againſt whom he accordingly undertook an Expedition: But, after two or three ſucceſsful Engagements, he was killed by a Flaſh of Lightning (*b*).

His two Sons, *Carinus* and *Numerian*, were of ſo oppoſite a *Genius*, that one is generally repreſented as the worſt, the other as the beſt of Men. *Numerian* was ſoon treacherouſly murdered by *Aper*; who, together with the Emperor *Carinus*, in a little Time, gave way to the happy Fortune of *Diocleſian*, the moſt ſucceſsful of the latter Emperors; ſo famous for his prodigious Exploits in *Egypt*, *Perſia*, and *Armenia*, that a *Roman* Author (*c*) has compared him with *Jupiter*, as he does his Son *Maximinian* with *Hercules*.

Conſtantinus Chlorus and *Galerius*, were happier than moſt of their Predeceſſors, by dying, as they had for the moſt part, lived in Peace.

Nor are *Severus* and *Maximinian* on any Account very remarkable, except for leaving ſo admirable a Succeſſor, as the famous *CONSTANTINE*; who, ridding himſelf of his two Competitors, *Lucinius* and *Maxentius*, advanced the Empire to its antient Grandeur. His happy Wars, and wiſe Adminiſtration in Peace, have gained him the Sirname of *The GREAT*, an Honour unknown to former Emperors: Yet, in this Reſpect, he is juſtly reputed unfortunate, that, by removing the Imperial Seat from *Rome* to *Conſtantinople*, he gave Occaſion to the utter Ruin of *Italy*.

(*a*) *Flavius Vopiſc.* in *Probo.* (*b*) *Idem*, in *Caro.* (*c*) *Pomponius Lætus* in vita ejus.

CHAP. IV.

Of the ROMAN *Affairs, from* Constantine the Great, *to the taking of* Rome *by* Odoacer, *and the Ruin of the Western Empire.*

THOUGH the three Sons of *Constantine* at first divided the Empire into three distinct Principalities; yet it was afterwards re-united under the longest Survivor, *Constantius*. The Wars between him and *Magnentius*, as they proved fatal to the Tyrant, so they were extremely prejudicial to the whole State; which at this Time was involved in such unhappy Difficulties, as to be very unable to bear so excessive a Loss of Men, no less than 54,000 being killed on both Sides (*a*). And, perhaps, this was the chief Reason of the ill Success, which constantly attended the Emperor in the Eastern Wars: For the *Persians* were constantly his Superiors; and when at last a Peace was concluded, the Advantage of the Conditions lay on their Side.

Julian, as he took effectual Care for the Security of the other Bounds of the Empire; so his Designs against the most formidable Enemies, the *Persians*, had all the Appearance of Success; but he lost his Life before they could be fully put in Execution.

Jovian was no sooner elected Emperor, but, being under some Apprehension of a Rival in the West, he immediately concluded a most dishonourable Peace with the *Persians*, at the Price of the famous City *Nisibis*, and all *Mesopotamia*. For which base Action, as he does not fail of an Invective from every Historian; so particularly *Ammianus Marcellinus* (*b*) and *Zosimus* have taken the Pains to shew, that he was the first *Roman* Governor who resigned up the least Part of their Dominions upon any Account.

Valentinian the First has generally the Character of an excellent Prince: But he seems to have been more studious of obliging his Subjects, by an easy and quiet Government, than desirous of acting any Thing against the encroaching Enemies.

Gratian too, though a Prince of great Courage and Experience in War, was able to do no more than settle the single Province of *Gaul*: But he is greatly applauded by Historians, for taking such extraordinary Care in the Business

(*a*) *Pompon. Lætus.* (*b*) *Lib.* 25.

of

of a Succeſſor: For being very ſenſible of the continual Decay of the Empire, and that the State, if not at the laſt Gaſp, yet was very nigh beyond all Hopes of Recovery; he made it his whole Study to find out a Perſon that ſhould, in all Reſpects, be capacitated for the noble Work of the Deliverance of his Country. The Man he pitched upon was *Theodoſius*, a Native of *Spain*; who being now inveſted with the Command of the Eaſt, upon the Death of *Gratian*, remained the ſole Emperor. And, indeed, in a great Meaſure, he anſwered the Expectation of the World, proving the moſt reſolute Defender of the Empire in its declining Age. But for his Collegue, *Valentinian* the Second, he was cut off, without having done any Thing very memorable.

Under *Honorius* Things returned to their former deſperate State, the barbarous Nations getting Ground on all Sides, and making every Day ſome Diminution in the Empire; till at laſt, *Alaric*, King of the *Goths*, waſting all *Italy*, proceeded to *Rome*; and contenting himſelf with ſetting a few Buildings on Fire, and rifling the Treaſuries, retired with his Army (*a*): So that this is rather a Diſgrace, than a Deſtruction of the City. And *Nero* is ſuppoſed to have done more Miſchief when he ſet it on Fire in Jeſt, than it now ſuffered from its Conqueror.

Valentinian the Third, at his Acceſſion to the Empire, gave great Hopes of his proving the Author of a happy Revolution (*b*); and he was very fortunate in the War againſt the famous *Attila* the *Hun*: But his Imprudence in putting to Death his beſt Commander *Ætius*, very much haſtened the Ruin of the *Roman* Cauſe, the barbarous Nations now carrying all before them, without any conſiderable Oppoſition.

By this Time the State was given over as deſperate; and the Princes that followed, till the taking of the City by *Odoacer*, were only ſhort-lived Tyrants, remarkable for nothing but the Meanneſs of their Extraction, and the Weakneſs of their Government; ſo that Hiſtorians generally paſs them over in Silence, or, at moſt, with the bare Mention of their Names.

The beſt Account of them we can meet with, is as follows: *Maximus*, who, in order to his own Promotion, had procured the Murder of *Valentinian*, ſoon after compelled his Widow *Eudoxia* to accept of him for a Huſband; when the Empreſs, entertaining a mortal Hatred for him on many Accounts, ſent to *Genſeric*, a famous King of the *Van-*

(*a*) *Paul. Diacon. & Pompon. Læt.* (*b*) *Pompon. Læt.*

dals,

dals, and a Confederate of the late Emperor, deſiring his Aſſiſtance for the Deliverance of herſelf and the City from the Uſurpation of the Tyrant. *Genſeric* readily obeyed; and landing with a prodigious Army in *Italy*, entered *Rome* without any Oppoſition; where, contrary to his Oath and Promiſe, he ſeized on all the Wealth, and carried it, with ſeveral thouſand of the Inhabitants, into *Afric* (*a*).

Avitus, the General in *Gaul*, was the next that took upon him the Name of Emperor, which he reſigned within eight Months (*b*).

Majorianus ſucceeded; and after three Years left the Honour to *Severus*, or *Severian*; who, after four Years Reign, died a natural Death (*c*).

After him, *Anthemius* was elected Emperor, who loſt his Life and Dignity in a Rebellion of his Son-in-Law *Ricimer* (*d*). And then *Olybrius* was ſent from *Conſtantinople*, with the ſame Authority: but died within ſeven Months (*e*).

Liarius or *Glycerius*, who had been elected in his Room by the Soldiers, was almoſt immediately depoſed by *Nepos*; and he himſelf quickly after by *Oreſtes* (*f*); who made his Son *Auguſtus*, or *Auguſtulus*, Emperor. And now *Odoacer*, King of the *Heruli*, with an innumerable Multitude of the barbarous Nations, ravaging all *Italy*, approached to *Rome*; and entering the City without any Reſiſtance, and depoſing *Auguſtulus*, ſecured the Imperial Dignity to himſelf; and though he was forced afterwards to give place to *Theodoric* the *Goth*, yet the *Romans* had never after the leaſt Command in *Italy*.

(*a*) *Paul. Diacon. & Evagrius Hiſt. Eccleſ.* lib. 2. cap. 7. (*b*) *Id. ibid.*
(*c*) *Paul. Diacon.* lib. 16. (*d*) *Ibid.* (*e*) *Ibid.* (*f*) *Jornandes de Regn. Succeſſ.*

THE




ROMA ANTIQUA
Oriens
Occidens
Septentrio
Meridies
Castrum Prætorium
Porta Numentana
Porta Salaria
Via Collatina
Porta Pinciana
Porta Asinaria
Porta Lavicana
Hipprodom. Aurelianus
Via Latina
Palla Aegeria
Castrum
Sep. Neronis
Naumachia Domitiani
Mausoleum Augusti
Mol. Adr. Adriani
Circ. Adriani
Horti Domitij
Mon. Sempronij
Via Triumphalis
Porta Triumphalis
Circ. Neronis
Naumachia Neronis
TIBER FLU
Porta Septimiana
Porta Janiculensis
Thermæ Constantini
Thermæ Olympiadis
Thermæ Neronianæ
Thermæ Alexandrinæ
Thermæ Aurelianæ
Thermæ Antonianæ
Thermæ Titianæ
Thermæ Diocletianæ
Thermæ Agrippinæ
Thermæ Domitianæ
Thermæ Traianæ
Thermæ Neronis
Thermæ Valij
Thermæ Matidianæ
Thermæ Helenæ
Thermæ Commodianæ
Thermæ Gallicanæ
Thermæ Faustinianæ
Thermæ Antoninianæ
Thermæ Severianæ
Thermæ Aurel

THE

Antiquities of ROME.

PART II. BOOK I.

Of the CITY.

CHAP. I.

Of the Pomœrium, *and of the Form and Bigneſs of the* City, *according to the Seven Hills.*

BEFORE we come to take a particular View of the City, it is neceſſary to take notice of the *Pomœrium*, for the Singularity of the Cuſtom, to which it owed its Original. *Livy* defines the *Pomœrium*, in general, to be that Space of Ground both within and without the Walls, which the *Augures*, at the firſt Building of Cities, ſolemnly conſecrated, and on which no Edifices were ſuffered to be raiſed *(a)*. But the Account which *Plutarch* gives us of this Matter, in Reference to *Rome*, is ſufficient to ſatisfy our Curioſity; and is delivered by him to this Purpoſe: *Romulus* having ſent for ſome of the *Tuſcans*, to inſtruct him in the Ceremonies to be obſerved in laying the Foundations of his City, the Work was begun in this Manner:

Firſt, they dug a Trench, and threw into it the firſt Fruits of all Things, either good by Cuſtom, or neceſſary by Nature: and every Man taking a ſmall Turf of Earth of the Country from whence he came, they all caſt them in promiſcuouſly together; making this Trench their Centre, they deſcribed the City in a Circle round it: Then the Founder fitted to a Plough a

(*a*) *Liv.* lib. 1.

brazen

brazen Plough-ſhare; and yoking together a Bull and a Cow, drew a deep Line, or Furrow, round the Bounds; thoſe that followed after, taking care that the Clods fell inwards, towards the City. They built the Wall upon this Line, which they called *Pomœrium* from *Pone Mœnia* (*a*). Though the Phraſe of *Pomœrium proferre* be commonly uſed in Authors, to ſignify the enlarging of the City; yet it is certain the City might be enlarged without that Ceremony. For *Tacitus* and *Gellius* declare no Perſon to have had a Right of extending the *Pomœrium*, but ſuch a one as had taken away ſome Part of an Enemy's Country in War; whereas it is manifeſt, that ſeveral great Men, who never obtained that Honour, conſiderably encreaſed the Buildings.

It is remarkable, that the ſame Ceremony with which the Foundations of their Cities were at firſt laid, they alſo uſed in deſtroying Places taken from the Enemy; which was begun by the Chief Commander's turning up ſome of the Walls with a Plough (*b*).

As to the Form and Bigneſs of the City, we muſt follow the common Direction of the Seven Hills; whence came the Phraſe of *Urbs Septicollis*, and the like, ſo frequent with the Poets.

Of theſe *Mons Palatinus* has ever had the Preference; whether ſo called from the People *Palantes*, or *Palatini*; or from the Bleating and Strolling of Cattle, in *Latin*, *Balare* and *Palare*; or from *Pales*, the Paſtoral Goddeſs; or from the Burying Place of *Pallas*, we find diſputed, and undetermined among their Authors. It was in this Place that *Romulus* laid the Foundations of the City in a Quadrangular Form; and here the ſame King and *Tullus Hoſtilius* kept their Courts, as did afterwards *Auguſtus*, and all the ſucceeding Emperors; on which Account, the Word *Palatium* came to ſignify a Royal Seat (*c*).

This Hill to the Eaſt has *Mons Cœlius*; to the South, *Mons Aventinus*; to the Weſt, *Mons Capitolinus*; to the North, the *Forum* (*d*).

In Compaſs it is twelve hundred Paces (*e*).

Mons Tarpeius took its Name from *Tarpeia*, a *Roman* Virgin who betrayed the City to the *Sabines* in this Place (*f*). It was likewiſe called *Mons Saturni* and *Saturnius*, in Honour of *Saturn*, who is reported to have lived here in his Retirement, and was ever reputed the Tutelar Deity of this

(*a*) *Plutarch. in Romul.* (*b*) *Dempſter. Paralipom. ad Roſin.* lib. 1. cap. 3. (*c*) *Roſin. Antiq.* lib. 1. cap. 4. (*d*) *Fabricii Roma*, cap. 3. (*e*) *Marlian. Topograph. Antiq. Romæ*, lib. 1. cap. 1. (*f*) *Plutarch. in Romul.*

Part

Part of the City. It had afterwards the Denomination of *Capitolinus*, from the Head of a Man caſually found here in digging for the Foundations of the famous Temple of *Jupiter* (*a*), called *Capitolium*, for the ſame Reaſon. This Hill was added to the City by *Titus Tatius*, King of the *Sabines*, when having been firſt overcome in the Field by *Romulus*, he and his Subjects were permitted to incorporate with the *Romans* (*b*). It has to the Eaſt, *Mons Palatinus* and the *Forum*; to the South, the *Tiber*; to the Weſt, the level Part of the City; and to the North, *Collis Quirinalis* (*c*).

In Compaſs it is ſeven *Stadia*, or Furlongs, (*d*).

Collis Quirinalis was ſo called either from the Temple of *Quirinus*, another Name of *Romulus*; or more probably from the *Curetes*, a People that removed hither with *Tatius* from *Cures*, a *Sabine* City (*e*). It afterwards changed its Name to *Caballus*, *Mons Caballi*, and *Caballinus*, from the two Marble-Horſes, with each a Man holding him, which are ſet up here. They are ſtill ſtanding; and, if the Inſcription on the Pilaſters be true, were the Work of *Phidias* and *Praxiteles* (*f*); made by thoſe famous Maſters to repreſent *Alexander the Great* and his *Bucephalus*, and ſent to *Nero* for a Preſent by *Tiridates* King of *Armenia*. This Hill was added to the City by *Numa* (*g*).

To the Eaſt it has *Mons Eſquilinus* and *Mons Viminalis*; to the South, the *Forum* of *Cæſar* and *Nerva*; to the Weſt, the level Part of the City; to the North, *Collis Hortulorum* and the *Campus Martius* (*h*).

In Compaſs it is almoſt three Miles (*i*).

Mons Cœlius owes its Name to *Cœlius*, or *Cœles*, a famous *Tuſcan* General, who pitched his Tents here, when he came to the Aſſiſtance of *Romulus* againſt the *Sabines* (*k*). *Livy* (*l*) and *Dionyſius* (*m*) attribute the taking of it in to *Tullius Hoſtilius*; but *Strabo* (*n*) to *Ancus Martius*. The other Names by which it was ſometimes known, were *Querculanus*, or *Quercetulanus*, and *Auguſtus*: The firſt occaſioned by the Abundance of Oaks growing there; the other impoſed by the Emperor *Tiberius*, when he had raiſed new Buildings upon it after a Fire (*o*).

One Part of this Hill was called *Cœliolus*, and *Minor Cœlius* (*p*.) To the Eaſt it has the City Walls; to the South,

(*a*) *Liv.* lib. 1 cap. 55. (*b*) *Dionyſius.* (*c*) *Fabricii Roma* cap. 3. (*d*) *Marlian.* lib. 1. cap. 1. (*e*) *Suet. Pomp. Feſtus.* (*f*) *Fabricii Roma*, cap. 3. (*g*) *Dionyſ. Hal.* lib. 2. (*h*) *Fabricii Roma*, cap. 3. (*i*) *Marlian.* l. 1. c. 1. (*k*) *Varro de Ling. Lat.* lib. 4. (*l*) Lib. cap. 30. (*m*) Lib. 3. (*n*) *Geogr.* l. 5. (*o*) *Tacit. Ann.* 4. *Suet. in Tib.* cap. 48. (*p*) *Fabricii Roma*, cap. 3.

Mons

Mons Aventinus; to the West, *Mons Palatinus*; to the North, *Mons Esquilinus* (*a*).

In Compass it is about two Miles and a half (*b*).

Mons Esquilinus was antiently called *Cispius* and *Oppius* (*c*): The Name of *Esquilinus* was varied, for the easier Pronunciation, from *Exquilinus*, a Corruption of *Excubinus*, *ab Excubiis*, from the Watch that *Romulus* kept here (*d*). It was taken in by *Servius Tullius* (*e*), who had here his Royal Seat (*f*). *Varro* says the *Esquiliæ* are two Mountains (*g*); which Opinion has been since approved of, by a curious Observer (*h*).

To the East it has the City-Walls; to the South, the *Via Labicana*; to the West, the Valley lying between *Mons Cœlius* and *Mons Palatinus*; to the North, *Collis Viminalis*. (*i*)

In Compass it is about four Miles (*k*).

Mons Viminalis derives its Name from the Osiers that grew there in great Plenty. This Hill was taken in by *Servius Tullius* (*l*).

To the East it has the *Campus Esquinalis*; and to the South, Part of the *Suburra* and the *Forum*; to the West, *Mons Quirinalis*; to the North, the *Vallis Quirinalis* (*m*).

In Compass it is two Miles and a half (*n*).

The Name of *Mons Aventinus* has given great Cause of Dispute among the Critics; some deriving the Word from *Aventinus* an *Alban* King (*o*); some from the River *Avens* (*p*); and others *ab Avibus*, from the Birds which used to fly hither in great Flocks from the *Tiber* (*q*). It was also called *Murcius*, from *Murcia*, the Goddess of Sleep, who had here a *Sacellum*, or little Temple (*r*); *Collis Dianæ*, from the Temple of *Diana* (*s*); and *Remonius* from *Remus*, who would have the City begun in this Place, and was here buried (*t*). *A. Gellius* affirms (*u*), that this Hill, being reputed sacred, was never inclosed within theBounds of the City, until the Time of *Claudius*. But *Eutropius* (*w*) expressly attributes the taking of it in to *Ancus Martius*; and an old Epigram, inserted by *Cuspinian* in his Comment on *Cassiodorus*, confirms the same.

To the East it has the City-walls; to the South, the *Campus Figulinus*; to the West, the *Tiber*; to the North, *Mons Palatinus* (*x*).

(*a*) *Ibid.* (*b*) *Marlian.* lib. 1. cap. 1. (*c*) *Fabricii Roma*, cap. 3. (*d*) *Vid. Propert.* lib. 2. *Eleg.* 8. (*e*) *Liv.* lib. 1. cap. 44. (*f*) *Ib.* (*g*) *De Ling. Latin.* l. 4. (*h*) *Marlian.* lib. 1. cap. 1. (*i*) *Fabricii Roma*, cap. 3. (*k*) *Marlian* l. 1. c. 1. (*l*) *Dionys.* l. 4. (*m*) *Fabricii Roma*, cap. 3. (*n*) *Marlian* lib. 1. c. 1. (*Varro de Ling. Lat.* l. 4. (*p*) *Ib.* (*q*) *Ib.* (*r*) *Sext. Pomp. Festus.* (*s*) *Martial.* (*t*) *Plut.* in *Romul.* (*u*) Lib. 13. cap. 14. (*w*) Lib. 1. (*x*) *Fabricii Roma*, cap. 3.

In

In Circuit it is eighteen *Stadia*, or two Miles and a Quarter (*a*.)

Beſides theſe ſeven principal Hills, three other of inferior Note were taken in in latter Time.

Collis Hortulorum, or *Hortorum*, had its Name from the famous Gardens of *Salluſt* adjoining it (*b*). It was afterwards called *Pincius*, from the *Pincii*, a noble Family who had here their Seat (*c*). The Emperor *Aurelian* firſt incloſed it within the City-Walls (*d*).

To the Eaſt and South, it has the plaineſt Part of *Mons Quirinalis*; to the Weſt, the *Vallis Martia*; to the North, the Walls of the City (*e*).

In Compaſs it is about eighteen *Stadia* (*f*).

Janiculum, or *Janicularis*, was ſo called, either from an old Town of the ſame Name, ſaid to have been built by *Janus*, or, becauſe *Janus* dwelt and was buried here (*g*). Or, becauſe it was a Sort of *Gate* to the *Romans*, whence they iſſued out upon the *Tuſcans* (*h*). The ſparkling Sands have at preſent given it the Name of *Mons aureus*, and by Corruption *Montorius* (*i*). We may take two Obſervations about this Hill from one Epigram of *Martial*; that it is the fitteſt Place to take one's Standing for a full Proſpect of the City; and that it is leſs inhabited than the other Parts, by Reaſon of the Groſſneſs of the Air (*k*). It is ſtill famous for the Sepulchres of *Numa*, and *Statius* the Poet. (*l*).

To the Eaſt and South it has the *Tiber*; to the Weſt, the Fields; to the North, the *Vatican* (*m*).

In Circuit (as much of it as ſtands within the City-Walls) it is five *Stadia* (*n*).

Mons Vaticanus owes its Name to the Anſwers of the *Vates*, or Prophets, that uſed to be given here; or from the God *Vaticanus* or *Vagitanus* (*o*). It ſeems not to have been encloſed within the Walls until the Time of *Aurelian*.

This Hill was formerly famous for the Sepulchre of *Scipio Africanus*; ſome Remains of which are ſtill to be ſeen (*p*). But it is more celebrated at preſent on account of St. *Peter*'s Church, the Pope's Palace, and the nobleſt Library in the World.

(*a*) *Marlian.* lib. 1. cap. 1. (*b*) *Roſin.* lib. 1. cap. 11. (*c*) *Ibid.* (4) *Ibid.* (*e*) *Fabricii Roma*, cap. 3. (*f*) *Marlian.* lib. 1. cap. 1. (*g*) *Roſin.* lib. cap. 11. (*h*) *Feſtus.* (*i*) *Fabricii Roma*, cap. 3. (*k*) *Martial. Epig.* lib. 4. *Ep.* 64. (*l*) *Fabricii Roma*, lib. cap. 3. (*m*) *Ibid.* (*n*) *Marlian.* lib. 1. cap. 1. (*o*) *Feſtus.* (*p*) *Warcup*'s Hiſt. of *Italy*, Book 2.

To the East it has the *Campus Vaticanus* and the River; to the South, the *Janiculum*; to the West, the *Campus Figulinus*, Potters Field; to the North, the *Prata Quintia (a)*.

It lies in the Shape of a Bow drawn up very high; the convex Part stretching almost a Mile (*b*).

As to the Extent of the whole City, the greatest we meet with in History was in the Reign of *Valerian*, who enlarged the Walls to such a Degree as to surround the Space of fifty Miles *(c)*.

The Number of Inhabitants, in its flourishing State, *Lipsius* computes at four Millions (*d*).

At present the Compass of the City is not above thirteen Miles (*e*).

(*a*) *Fabricii Roma*, cap. 3. (*b*) *Marlian.* lib. 8. cap. 1. (*c*) *Vopisc.* in *Aureliano.* (*d*) *De Magnitud. Rom.* (*e*) *Fabricii Rom.* cap. 2.

CHAP. II.

Of the Division *of the* CITY *into* Tribes *and* Regions: *And of the* Gates *and* Bridges.

ROMULUS divided his little City into three *Tribes*; and *Servius Tullius* added a fourth; which Division continued until the Time of *Augustus*. It was he first appointed the fourteen *Regions* or *Wards:* An Account of which, with the Number of Temples, Baths, *&c.* in every Region, may be thus taken from the accurate *Panvinius*.

REGION I. *PORTA CAPENA.*

Streets 9.
Luci 3.
Temples 4.
Ædes 6.
Public Baths 6.
Arches 4.
Barns 14.
Mills 12.
Great Houses 121.

The whole Compass 13,223 Feet.

REGION II. *COELI MONTIUM.*

Streets 12.
Luci 2.
Private Baths 80.
The Great Shambles.

Tem-

Temples 5.
The Public Baths of the City.
Barns 23.
Mills 24.
Great Houſes 133.

The Compaſs 13,200 Feet.

REGION III. *ISIS* and *SERAPIS.*

Streets 8.
Temples 2.
The Amphitheatre of *Veſpaſian.*
The Baths of *Titus, Trajan,* and *Philip.*
Barns 29, or 19.
Mills 23.
Great Houſes 160.

The Compaſs 12,450 Feet.

REGION IV. *VIA SACRA,* or *TEMPLUM PACIS.*

Streets 8.
Temples 10.
The *Coloſſus* of the *Sun,* 120 Feet high.
The Arches of *Titus, Severus,* and *Conſtantine.*
Private Baths 75.
Barns 18.
Mills 24.
Great Houſes 138.

The Compaſs 14,000, or, as ſome ſay, only 8,000 Feet.

REGION V. *ESQUILINA.*

Streets 15.
Luci 8.
Temples 6.
Ædes 5.
Private Baths 75.
Barns 23.
Mills 22.
Great Houſes 180.

The Compaſs 15,950 Feet.

REGION VI. *ACTA SEMITA.*

Streets 12, or 13.
Temples 15.
Porticoes 2.
Circi 2.
Fora 2.
Private Baths 75.
Barns 19.
Mills 23.
Great Houſes 155.

The Compaſs 15,600 Feet.

REGION VII. *VIA LATA.*

Streets 40.
Temples 4.
Private Baths 75.
Arches 3.
Mills 17.
Barns 25.
Great Houſes 120.

The Compaſs 23,700 Feet.

REGION VIII. *FORUM ROMANUM.*

Streets 12.
Temples 21.
Private Baths 66.
Ædes 10.
Porticoes 9.
Arches 4.
Fora 7.
Curiæ 4.
Baſilicæ 7.
Columns 6.
Barns 18.
Mills 30.
Great Houſes 150.

The Compaſs 14,867 Feet.

REGION IX. *CIRCUS FLAMINIUS.*

Streets 30.
Temples 8.
Ædes 20.
Porticoes 12.
Circi 2.
Theatres 4.
Baſilicæ 3.
Curiæ 2.
Thermæ 5.
Arches 2.
Columns 2.
Mills 32.
Barns 32.
Great Houſes 189.

The Compaſs 30,560 Feet.

REGION X. *PALATIUM.*

Streets 7.
Temples 10.
Ædes 9.
Theatre 1.
Curiæ 4.
Private Baths 15.
Mills 12.
Barns 16.
Great Houſes 109.

The Compaſs 11,600 Feet.

RE-

REGION XI. *CIRCUS MAXIMUS.*

Streets 8.	Barns 16.
Ædes 22.	Mills 12.
Private Baths 15.	Great Houſes 189.

The Compaſs 11,600 Feet.

REGION XII. *PISCINA PUBLICA.*

Streets 12.	Barns 28.
Ædes 2.	Mills 25.
Private Baths 68.	Great Houſes 128.

The Compaſs 12,000 Feet.

REGION XIII. *AVENTINUS.*

Streets 17.	Barns 36.
Luci 6.	Mills 30.
Temples 6.	Great Houſes 155.
Private Baths 74.	

The Compaſs 16,300 Feet.

REGION XIV. *TRANS-TIBERINA.*

Streets 23.	Barns 20.
Ædes 6.	Mills 32.
Public Baths 136.	Great Houſes 150.

The whole Compaſs 33,409 Feet.

As to the Gates, *Romulus* built only three, or (as ſome affirm,) four at moſt. But as Buildings were enlarged, the Gates were accordingly multiplied; ſo that *Pliny* tells us, there were thirty-four in his Time.

The moſt remarkable were,

Porta Flumentata, ſo called, becauſe it ſtood near the River.

Porta Flaminia, deriving its Name from the *Flaminian* Way which begins there.

Porta Carmentalis, built by *Romulus*, and ſo called from *Carmenta*, the Propheteſs, Mother of *Evander*.

Porta Nævia, which *Varro* derives *à nemoribus*, from the Woods which formerly ſtood near it.

Porta Saliana, deriving its Name from the Salt, which the *Sabines* uſed to bring in at that Gate from the Sea, to ſupply the City.

Porta Capena, ſo called from *Capua*, an old City of *Italy*, to which the Way lay through this Gate. It is ſometimes called *Appia*, from *Appius*, the Cenſor; and *Triumphalis*, from the Triumphs in which the Proceſſion commonly paſſed under here; and *Fontinalis* from the *Aqueducts* which were raiſed over it: Whence *Juvenal* calls it, *Madida Capena*, and *Martial*, *Capena, grandi Porta quæ pluit guttâ.*

The *Tiber* was paſſed over by eight Bridges; the Names of which are thus ſet down by *Marlian: Melvius*, *Ælius*, *Vaticanus*, *Janiculenſis*, *Ceſtius*, *Fabricius*, *Palatinus*, and *Sublicius*.

CHAP. III.

Of the Places of Worſhip; particularly of the TEMPLES *and* LUCI.

BEFORE we proceed to take a View of the moſt remarkable Places ſet apart for the Celebration of Divine Service, it may be proper to make a ſhort Obſervation about the general Names, under which we meet with them in Authors.

Templum was a Place which had not only been dedicated to ſome Deity, but was alſo formally conſecrated by the *Augurs*.

Ædes Sacræ, were ſuch as wanted that Conſecration; which, if they afterwards received, they changed their Names to Temples. Vid. *A. Gel.* L. XIV. C. 7.

Delubrum, according to *Severus*, was a Place that under one Roof comprehended ſeveral Deities.

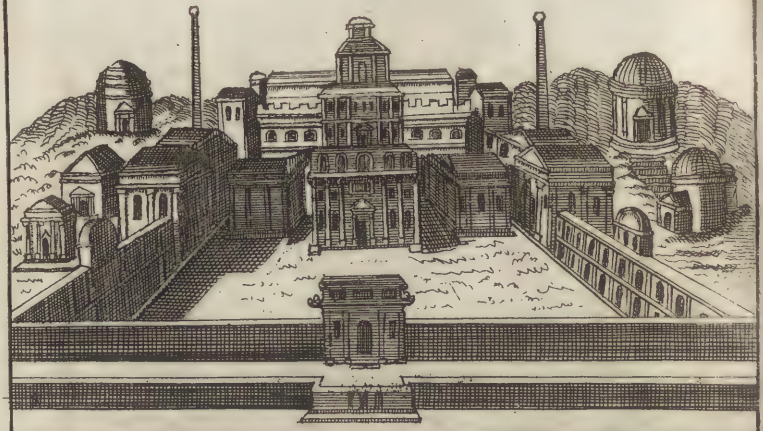
Ædicula is only a Diminutive, and ſignifies no more than a little *Ædes*.

Sacellum may be derived the ſame Way from *Ædes Sacræ*. *Feſtus* tells us, it is a Place ſacred to the Gods without a Roof.

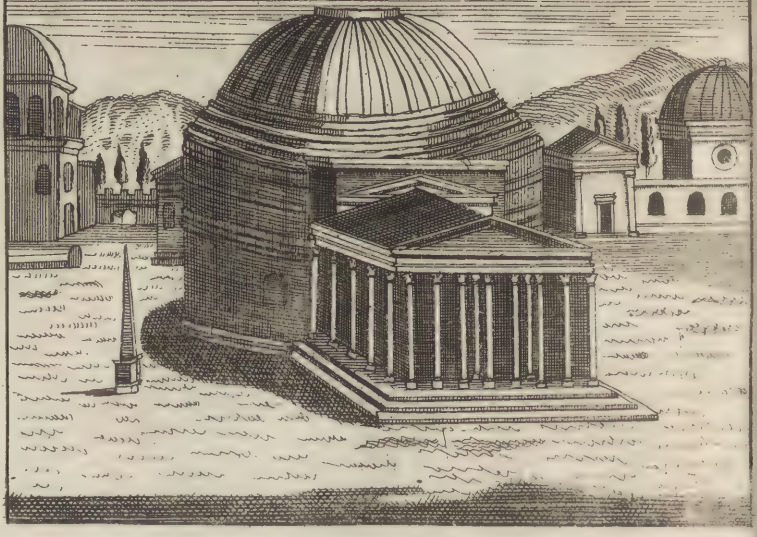
It would be endleſs to reckon up but the bare Names of all the Temples we meet with in Authors. The moſt celebrated on all Accounts were the *Capitol* and the *Pantheon*.

The *Capitol*, or Temple of *Jupiter Capitolinus*, was the Effect of a *Vow* made by *Tarquinius Priſcus* in the *Sabine* War.

CAPITOLIUM



Templ. PANTHEON *vulgo* Rotunda.



War (*a*). But he had ſcarce laid the Foundations before his Death. His Nephew, *Tarquin the Proud*, finiſhed it with the Spoils taken from the neighbouring Nations (*b*). But upon the Expulſion of the Kings, the Conſecration was performed by *Horatius* the Conſul (*c*). The Structure ſtood on a high Ridge, taking in four Acres of Ground. The Front was adorned with three Rows of Pillars; the other Sides with two (*d*). The Aſcent from the Ground was by an hundred Steps (*e*). The prodigious Gifts and Ornaments, with which it was at ſeveral Times endowed, were almoſt incredible. *Suetonius* (*f*) tells us, that *Auguſtus* gave at one Time two thouſand Pound Weight of Gold: And in Jewels and precious Stones, to the Value of five hundred Seſterces. *Livy* and *Pliny* (*g*) ſurprize us with Accounts of the brazen Threſholds; the noble Pillars that *Sylla* removed hither from the Temple of *Jupiter Olympus* at *Athens*; the gilded Roof, Shields, and thoſe of ſolid Silver; the huge Veſſels of Silver, holding three Meaſures; the golden Chariot, *&c.* This Temple was firſt conſumed by Fire in the *Marian* War, and then re-built by *Sylla*; who, dying before the Dedication, left that Honour to *Quintius Catulus*. This too was demoliſhed in the *Vitellian* Sedition. *Veſpaſian* undertook a third, which was burnt down about the Time of his Death. *Domitian* raiſed the laſt and moſt glorious of all; in which the very Gilding amounted to twelve thouſand Talents (*b*). On which Account *Plutarch* (*i*) has obſerved of that Emperor, that he was like *Midas*, deſirous of turning every Thing into Gold. There are very little Remains of it at preſent; yet enough to make a *Chriſtian* Church (*k*).

The *Pantheon* was built by *Marcus Agrippa*, Son-in-Law to *Auguſtus Cæſar*; and dedicated either to *Jupiter Ultor*, or to *Mars* and *Venus*, or, more probably, to all the Gods in general, as the very Name Τῶν πάντων Θεων implies. The Structure, according to *Fabricius* (*l*), is an hundred and forty Feet high, and about the ſame Breadth But a later Author has aſſerted the Number of Feet to be an hundred and fifty-eight. The Roof is curiouſly vaulted, void Places being left at proper Diſtances for the greater Strength. The Rafters were Pieces of Braſs of forty Feet in Length. There are no Windows in the Edifice, only a round Hole at the Top of the Roof, which ſerves for the Admiſſion of the Light. Dia-

(*a*) *Liv. lib.* 1. (*b*) *Ibid.* (*c*) *Plutarch.* in *Poplicol.* (*d*) *Dionyſ. Halicar.* (*e*) *Tacitus.* (*f*) In *Auguſt.* cap. 30. (*g*) *Liv. Lib.* 10. 35. 38. *Plin. lib.* 33, &c. (*h*) *Plutarch.* in *Poplicola.* (*i*) *Ibid.* (*k*) *Fabric, Roma*, cap. 9. (*l*) *Ibid.*

metrically under is cut a curious Gutter to receive the Rain. The Walls on the Inside are either solid Marble, or incrusted (*a*). The Front on the Outside was covered with brazen Plates gilt, and the Top with Silver Plates, which are now changed to Lead (*b*). The Gates were Brass, of extraordinary Work and Magnitude (*c*).

The Temple is still standing with little Alteration, except the Loss of the old Ornaments, being converted into a *Christian Church* by Pope *Boniface* III. (or, as *Polydore Virgil* (*d*) says, by *Boniface* IV.) and dedicated to St. *Mary* and *All Saints*, though the general Name is St. *Mary de Rotonda* (*e*). The most remarkable Difference is, that as formerly they ascended by twelve Steps; they now go down as many to the Entrance (*f*).

The Ceremony of the Consecration of Temples (a Piece of Superstition well worth our Notice) we cannot better apprehend, than by the following Account which *Tacitus* gives us of that Solemnity, in Reference to the *Capitol*, when repaired by *Vespasian:* Though perhaps the chief Rites were celebrated upon the entire raising of the Structure, this being probably intended only for the hallowing of the Floor. *Undecimo Kalendas Julias* (*g*), &c.

'Upon the 21st of *June*, being a very clear Day, the 'whole Plot of Ground designed for the Temple, was bound 'about with Fillets and Garlands. Such of the Soldiers as 'had lucky Names, entered first with Boughs in their 'Hands, taken from those Trees which the Gods more es- 'pecially delighted in. Next came the *Vestal* Virgins, with 'Boys and Girls, whose Fathers and Mothers were living, 'and sprinkled the Place with Brook-Water, River-Wa- 'ter, and Spring-Water. Then *Helvidius Priscus* the Præ- 'tor, (*Plautus Elian*, one of the Chief Priests, going before 'him) after he had performed the solemn Sacrifice of a 'Swine, a Sheep, and a Bullock, for the Purgation of the 'Floor, and laid the Entrails upon a green Turf, humbly 'besought *Jupiter*, *Juno*, *Minerva*, and the other Deities, 'Protectors of the Empire, that they would be pleased to 'prosper their present Undertaking, and accomplish, by 'their divine Assistance, what human Piety had thus begun. 'Having concluded his Prayer, he put his Hand to the Fil- 'lets, to which Ropes, with a great Stone fastened in them, 'had been tied for this Occasion; when immediately the

(*a*) *Marlian.* Topog. *Rom.* Antiq. *lib.* 6. cap. 6. (*b*) *Ibid.* & *Fabric. Rom. cap.* 9. (*c*) *Marlian. Ibid.* (*d*) *Lib.* 6. *cap.* 8. (*e*) *Fabric. cap.* 9. (*f*) *Ibid.* (*g*) Hist. *lib.* 4.

'whole

'whole Company of Prieſts, Senators, and Knights, with 'the greateſt Part of the common People, laying hold to-'gether on the Rope with all Expreſſions of Joy, drew the 'Stone into the Trench deſigned for the Foundation, throw-'ing in Wedges of Gold, Silver, and other Metals, which 'had never endured the Fire.'

Some curious Perſons have obſerved this Similitude between the Shape of theſe old Temples and our modern Churches: That they had one Apartment more holy than the reſt, which they termed *Cella*, anſwering to our Chancel or Choir: That the Porticoes in the Sides were in all Reſpects like to our Iſles; and that our *Navis*, or Body of the Church, is an Imitation of their *Baſilica* (*a*).

There are two other Temples particularly worth our Notice; not ſo much for the Magnificence of the Structure, as for the Cuſtoms that depend upon them, and the remarkable Uſe to which they were applied. Theſe are the Temples of *Saturn* and *Janus*.

The firſt was famous upon Account of ſerving for the public Treaſury: The Reaſon of which ſome fancy to have been, becauſe *Saturn* firſt taught the *Indians* to coin Money; or, as *Plutarch* conjectures, becauſe in the Golden Age, under *Saturn*, all Perſons were honeſt and ſincere, and the Names of *Fraud* and *Covetouſneſs* unknown in the World (*b*). But perhaps it was, becauſe this Temple was one of the ſtrongeſt Places in the City, and therefore the fitteſt for that Uſe. Here were preſerved all the public Regiſters and Records, among which were the *Libri Elephantini*, or great Ivory Tables, containing a Liſt of all the *Tribes*, and the Schemes of the public Accounts.

The other was a ſquare Piece of Building (ſome ſay of entire Braſs) ſo large as to contain a Statue of *Janus* five Feet high; with brazen Gates on each Side, which uſed always to be kept open in a War, and ſhut in Time of Peace (*c*).

But the *Romans* were ſo continually engaged in Quarrels, that we find the laſt Cuſtom but ſeldom put in Practice.

Firſt, all the long Reign of *Numa*. Secondly, *A. U. C.* 519. upon the Concluſion of the firſt *Punic* War. Thirdly, by *Auguſtus*, *A. U. C.* 725. and twice more by the ſame Emperor, *A. U. C.* 729. And again about the Time of our Saviour's Birth. Then by *Nero*, *A. U. C.* 811. Afterwards by *Veſpaſian*, *A. U. C.* 824. And laſtly, by *Conſtantius*, when,

(*a*) *Polletus.* Hiſt. *Roman. Flori*, lib. cap. 3. (*b*) *Plutarch.* in Problem.
(*c*) *Vide Marlian.* Topog. *Rom.* Antiq. *lib. cap.* 8.

upon the Death of *Magnentius*, he was left ſole Poſſeſſor of the Empire, *A. U. C.* 1105 (*a*).

Of this Cuſtom, *Virgil* gives us a noble Deſcription:

Sunt geminæ Belli portæ, ſic nomine dicunt,
Religione ſacræ, & ſævi formidine Martis:
Centum ærei claudunt vectes æternaque ferri
Robora; nec cuſtos abſiſtit limine Janus.
Has, ubi caria ſedet patribus ſententia pugnæ,
Ipſe Quirinali trabeâ cinctuque Gabino
Inſignis, referat ſtridentia limina Conſul;
Ipſa vocat pugnas (*b*).

Sacred to *Mars* two ſtately Gates appear,
Made awful by the Dread of Arms and War:
An hundred brazen Bolts from impious Pow'r
And everlaſting Bars the Doom ſecure,
And watchful *Janus* guards his Temple's Door.
Here, when the Fathers have ordain'd to try
The Chance of Battle by their fix'd Decree;
The Conſul, rich in his *Gabinian* Gown
And Regal Pall, leads the Proceſſion on;
The ſounding Hinges gravely turns about,
Rouzes th' impriſon'd God, and lets the Furies out.

Near the Temple of *Janus* was a Street which took the ſame Name, chiefly inhabited by Bankers and Uſurers. It was very long, and divided by the different Names of *Janus Summus*, *Janus Medius*, and *Janus Imus*. The firſt and laſt of theſe Partitions are mentioned by *Horace*, *lib.* 1. *Epiſt.* 1.

——*Hæc Janus Summus ab Imo perdocet.*

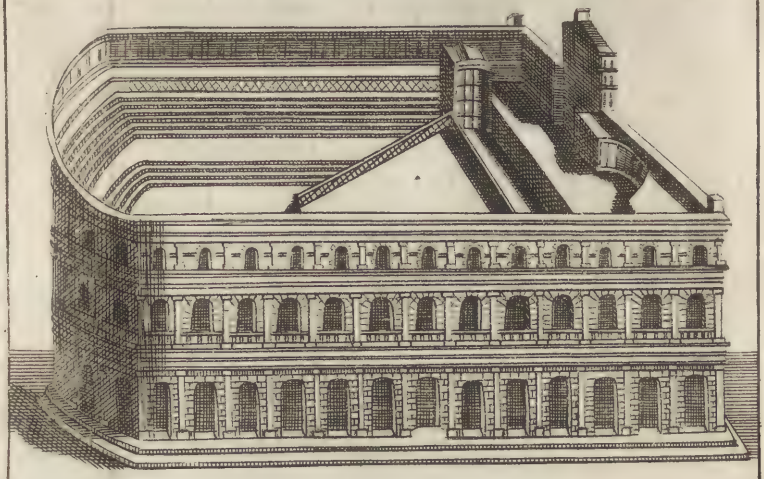
The other, *Tully* ſpeaks of in ſeveral Places of his Works (*c*).

The Superſtition of conſecrating Groves and Woods to the Honour of the Deities was a common Practice of the Antients: For, excluſive of thoſe mentioned in the Holy Scripture, *Pliny* aſſures us, That *Trees in old Time ſerved for the Temples of the Gods*. *Tacitus* reports this Cuſtom of the old *Germans*; *Q. Curtius* of the *Indians*, and almoſt all Writers of the old *Druids*. The *Romans* too were great Admirers

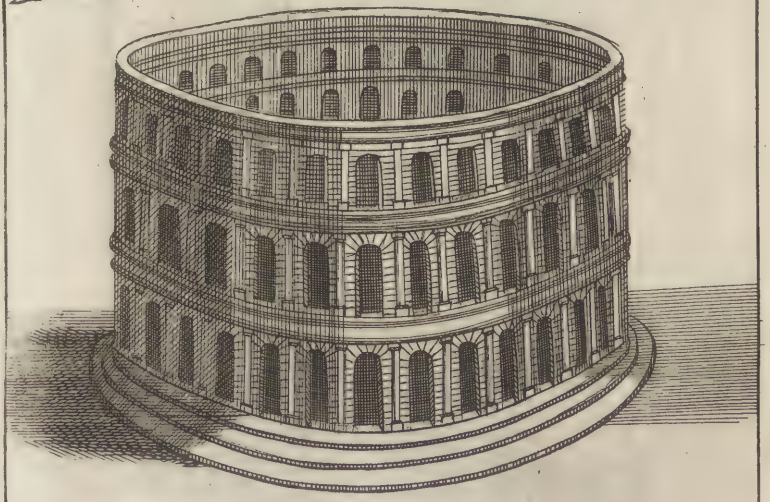
(*a*) *Vid. Caſaubon.* Not. ad *Sueton. Auguſt. cap.* 22. (*b*) *Virg. Æn.* 7.
(*c*) *Lib.* 2. de Offic. *Philip.* 8. &c.

of

THEATRUM CORNELLIRALRI GADITANI



AMPHITHEATRUM CLAUDIJ.



of this Way of Worſhip, and therefore had their *Luci* in moſt Parts of the City, generally dedicated to ſome particular Deity.

The moſt probable Reaſon that can be given for this Practice is taken from the common Opinion, That Fear was the main Principle of Devotion among the ignorant Heathens. And therefore ſuch dark and lonely Seats, ſtriking them with a ſudden Horror and Dread, made them fancy, that there muſt neceſſarily be ſomething of Divinity inhabiting there, which could produce in them ſuch an Awe and Reverence at their Entrance.

CHAP. IV.

Of the Theatres, Amphitheatres, Circi, Naumachiæ, Odea, Stadia, *and* Xyſti, *and of the* Campus Martius.

Theatres, ſo called from θεάομαι *to ſee*, owe their Origin to *Bacchus* (*a*). They were uſual in ſeveral Parts of *Greece*; and at laſt, after the ſame manner as other Inſtitutions, were borrowed from thence by the *Romans:* That the *Theatre* and *Amphitheatre* were two different ſorts of Edifices, was never queſtioned; the former being built in the Shape of a Semicircle; the other generally Oval, ſo as to make the ſame Figure as if two *Theatres* ſhould be joined together (*b*). Yet the ſame Place is often called by both theſe Names in ſeveral Authors. They ſeem too, to have been deſigned for very different Ends; the *Theatres* for Stage-Plays, the *Amphitheatres* for the greater Shows of Gladiators, wild Beaſts, &c. The Parts of the *Theatre* and *Amphitheatre*, beſt worth our Obſervation, by Reaſon of the frequent Mention made of them in the Claſſics, are as follow:

Scena was a Partition reaching quite acroſs the *Theatre*, being either *Verſatilis*, or *Ductilis*, either to turn round, or to draw up, for the preſenting a new Proſpect to the Spectators, as *Servius* has obſerved (*c*).

Proſcenium was the Space of Ground juſt before the Scenes, where the *Pulpitum* ſtood, into which the Actors came from behind the Scenes to perform (*d*).

(*a*) *Polydor. Virg.* de Rer. invent. lib. 3. cap. 13. (*b*) *Ibid.* (*c*) In *Georg.* 3. (*d*) *Roſin.* lib. 5. cap. 4.

The

The middle Part, or *Area*, of the *Amphitheatre*, was called *Cavea*, becauſe it was conſiderably lower than the other Parts; whence perhaps the Name of *Pit* in our Theatres was borrowed: And *Arena*, becauſe it uſed to be ſtrown with Sand, to hinder the Performers from ſlipping. *Lipſius* has taken Notice, that the whole *Amphitheatre* was often called by both theſe Names (*a*). And the *Veroneſe* ſtill call the *Theatre*, which remains almoſt intire in that City, the *Arena* (*b*).

There were a threefold Diſtinction of the Seats, according to the ordinary Diviſion of the People into Senators, Equeſtrians, and Plebeians, the firſt Range was called *Orcheſtra*, from ὀρχεῖσθαι; becauſe in that Part of the *Grecian* Theatres the *Dances* were performed; the ſecond *Equeſtria*; and the other *Popularia* (*c*).

Theatres, in the firſt Ages of the Commonwealth, were only temporary, and compoſed of Wood, which ſometimes tumbled down, and cauſed great Deſtruction, as *Dio* (*d*) and *Pliny* obſerve (*e*). Of theſe temporary *Theatres*, the moſt celebrated was that of *M. Scaurus*, mentioned by *Pliny* (*f*); the Scenes of which were divided into three Partitions one above another; the firſt conſiſting of 120 Pillars of Marble; the next of the like Number of Pillars curiouſly wrought in Glaſs: The Top of all had ſtill the ſame Number of Pillars adorned with gilded Tables. Between the Pillars were ſet 3000 Statues and Images of Braſs. The *Cavea* would hold 80,000 Men. The Structure which *Curio* afterwards raiſed at the Funeral of his Father, though inferior to the former in Magnificence, was no leſs remarkable for its admirable Artifice and Contrivance. He built two ſpacious *Theatres* of Wood, ſo contrived with Hinges and other Neceſſaries, as to be able to turn round with very little Trouble. Theſe he ſet at firſt back to back, for the Exhibition of the Stage Plays, and ſuch like Diverſions, to prevent the Diſorder that might otherwiſe ariſe by the Confuſion of the Scenes. Towards the latter End of the Day, pulling down the Scenes, and joining the two Fronts of the *Theatres*, he compoſed an exact *Amphitheatre*, in which he again entertained the People with a Show of Gladiators (*g*).

Pompey the Great was the firſt that undertook the raiſing of a fixed *Theatre*, which he built very nobly with ſquare Stone; on which account, *Tacitus* (*h*) tells us, he was ſe-

(*a*) *Lipſ.* in Amphitheat. (*b*) *Warcup*'s Hiſtory of *Italy*. (*c*) *Caſalius* de Urb. *Rom.* & Imp. Splendore. lib. 2. cap. 5. (*d*) Lib. 37. (*e*) Lib. 36. c. 15. (*f*) Ibid. (*g*) Ibid. (*h*) *Ann.* 14.

verely

verely reprehended for introducing a Cuſtom ſo different from that of their Forefathers, who were contented to ſee the like Performances, in Seats built only for the preſent Occaſion, and in antient Times ſtanding only on the Ground. To this Purpoſe I cannot omit an ingenious Reflection of *Ovid*, upon the Luxury of the Age he lived in, by comparing the honeſt Simplicity of the old *Romans* with the Vanity and Extravagance of the modern in this Particular.

Tunc neque marmoreo pendebant vela Theatro,
Nec fuerant liquido pulpita rubra croco.
Illic, quas tulerant nemoroſa Palatia, frondes
Simpliciter poſitæ: Scena ſine arte fuit.
In gradibus ſedit populus de ceſpite factis,
Qualibet hirſutas fronde tegente comas (*a*).

No Pillars then of *Egypt*'s coſtly Stone,
No Purple Sails hung waving in the Sun,
No Flowers about the ſcented Seats were thrown.
But Sylvan Bowers and ſhady Palaces,
Brought by themſelves, ſecur'd them from the Rays.
Thus guarded and refreſh'd with humble Green,
Wond'ring they gaz'd upon the artleſs Scene:
Their Seats of homely Turf the Crowd would rear,
And cover with green Boughs their more diſorder'd Hair.

Juvenal intimates, that this good old Cuſtom remained ſtill uncorrupted in ſeveral Parts of *Italy*.

——————————*ipſa dierum*
Feſtorum herboſo colitur ſi quando Theatro
Majeſtas; tandemque redit ad pulpita notum
Exodium, cum perſonæ pallentis hiatum
In gremio matris formidat ruſticus infans;
Æquales habitus illic, ſimilemque videbis
Orcheſtram & populum—— (*b*).

On Theatres of Turf, in homely State,
Old Plays they act, old Feaſts they celebrate;
The ſame rude Song returns upon the Crowd,
And by Tradition is for Wit allow'd.
The Mimic yearly gives the ſame Delights,
And in the Mother's Arms the clowniſh Infant frights.
Their Habits (undiſtinguiſh'd by Degree)
Are plain alike; the ſame Simplicity
Both on the Stage and in the Pit you ſee.

DRYDEN.

(*a*) *Ovid. de Arte Amandi.* (*b*) *Juv. Sat.* 8.

Some

Some Remains of this *Theatre* of *Pompey* are ſtill to be ſeen at *Rome*; as alſo of thoſe of *Marcellus*, *Statilius Taurus*, *Tiberius*, and *Titus*, the ſecond being almoſt entire (*a*).

The *Circi* were Places ſet apart for the Exhibition of ſeveral ſorts of Games, which we will ſpeak of hereafter. They were generally oblong, or almoſt in the Shape of a Bow (*b*), having a Wall quite round (*c*), with Ranges of Seats for the Convenience of the Spectators. At the Entrance of the *Circus* ſtood the *Carceres*, or Liſts, whence they ſtarted; and juſt by them one of the *Metæ*, or Marks; the other ſtanding at the farther End to conclude the Race.

There were ſeveral of theſe *Circi* in Rome; as thoſe of *Flaminius*, *Nero*, *Caracalla*, and *Severus*: But the moſt remarkable, as the very Name imports, was *Circus Maximus*, firſt built by *Tarquinius Priſcus* (*d*). The Length of it was four *Stadia*, or Furlongs; the Breadth the like Number of Acres; with a Trench of ten Feet deep, and as many broad to receive the Water; and Seats enough for a hundred and fifty thouſand Men (*e*). It was greatly beautified and adorned by *Julius Cæſar*, *Auguſtus*, *Caligula*, *Domitian*, *Trajan*, and *Heliogabalus*; and enlarged to ſuch a prodigious Extent, as to be able to contain, in their proper Seats, two hundred and ſixty thouſand Spectators (*f*).

The *Naumachiæ*, or Places for the Shows of Sea-Engagements, are no where particularly deſcribed; but we may ſuppoſe them to be very little different from the *Circi* and *Amphitheatres*, ſince thoſe ſort of Shows for which they were deſigned were often exhibited in the forementioned Places (*g*).

Odeum was a public Edifice, much after the Manner of a *Theatre* (*h*), where the Muſicians and Actors privately practiſed or rehearſed before their Appearance on the Stage (*i*). *Plutarch* has deſcribed one of their *Odeums* at *Athens* (from whence the *Romans* took the Hint of theirs) in the following Words: *For the Contrivance of it, on the Inſide it was full of Seats and Ranges of Pillars; and on the Outſide, the Roof or Covering of it was made from one Point at Top, with a great many Bendings, all ſhelving downward, in Imitation of the King of* Perſia's *Pavilion* (*k*).

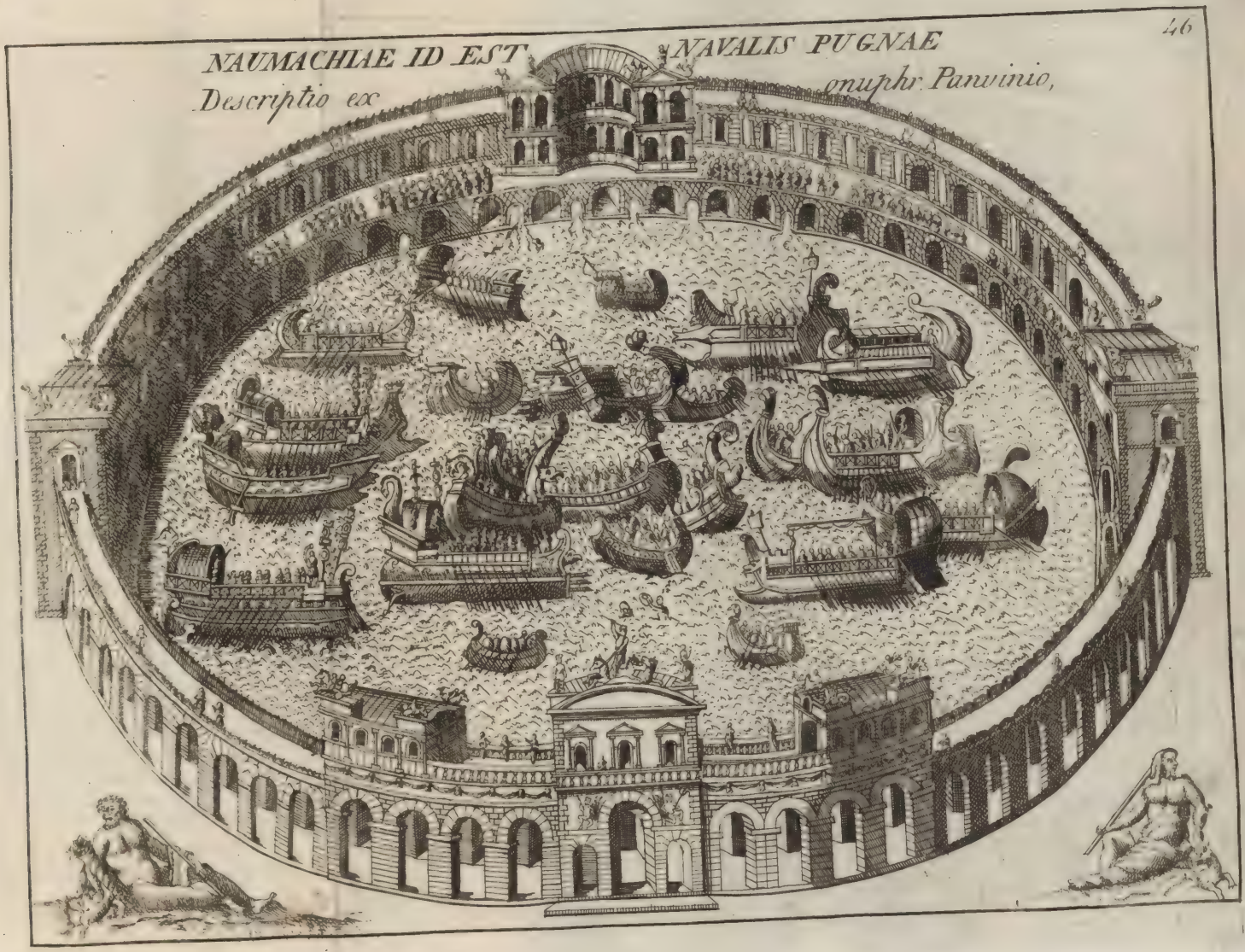
The *Stadia* were Places in the Form of *Circi* for the running of Men and Horſes (*l*). A very noble one *Suetonius* (*m*) tells us, was built by *Domitian*.

(*a*) *Fabric. Rom.* cap. 12. (*b*) *Marlian.* Topog. *Rom.* Ant. lib. 4. cap. 16. (*c*) *Polydor. Virg.* de Rer. invent. lib. 2. cap. 14. (*d*) *Liv.* & *Dionyſ. Halic.* (*e*) *Dionyſ.* lib. 3. (*f*) *Plin.* lib. 36. (*g*) *Marlian.* Topog. *Rom.* Ant. lib. 4. cap. 13. (*h*) *Fabric. Rom.* cap. 12. (*i*) *Roſin.* lib. 5. cap. 4. (*k*) In *Pericle.* (*l*) *Fabric. Rom.* cap. 12. (*m*) In *Domitiano.*

The

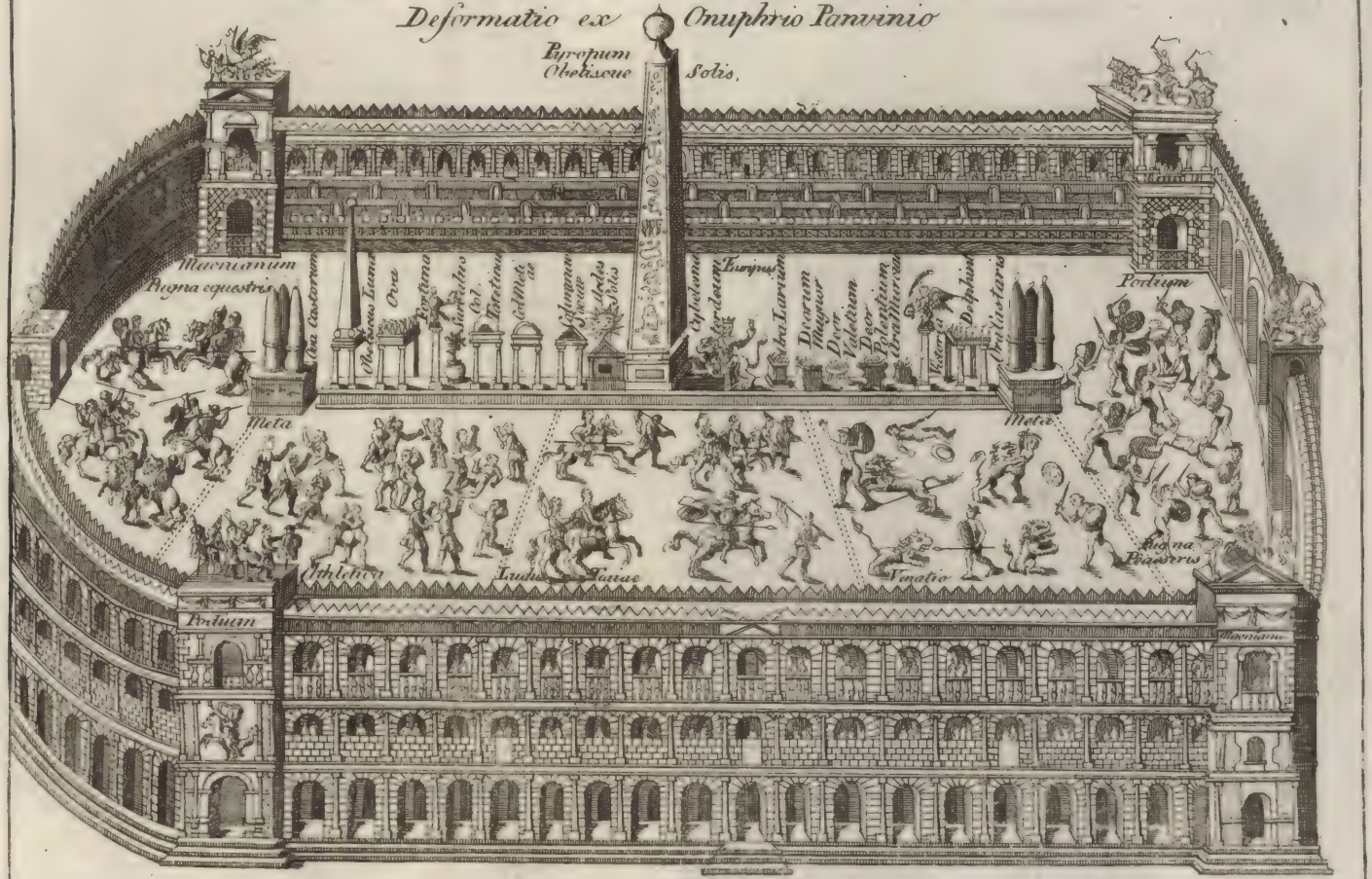
NAUMACHIAE ID EST NAVALIS PUGNAE

Descriptio ex onuphr. Panvinio,



CIRCI ET QUIN QUE LUDICRORUM CIRCENSTIUM

Deformatio ex Onuphrio Panvinio



CIRCUS.

The *Xysti* were Places built after the Fashion of the Porticoes for the Wrestlers to exercise in (*a*).

The *Campus Martius*, famous on so many Accounts, was a large plain Field, lying near the *Tiber*, whence we find it sometimes called *Tiberinus*. It was termed *Martius*, because it had been consecrated by the old *Romans* to the God *Mars*.

Besides the pleasant Situation, and other natural Ornaments, the continual Sports and Exercises performed here made it one of the most diverting Sights near the City. For, Here the young Noblemen practised all Manner of Feats of Activity; learned the Use of all Sorts of Arms and Weapons. Here the Races, either with Chariots, or single Horses, were undertaken. Besides this, it was nobly adorned with the Statues of famous Men, and with Arches, Columns, and Porticoes, and other magnificent Structures. Here stood the *Villa Publica*, or Palace for the Reception and Entertainment of Ambassadors from Foreign States, who were not allowed to enter the City. Several of the public *Comitia* were held in this Field; and for that Purpose were the *Septa*, or *Ovilia*, Apartments enclosed with Rails, where the *Tribes*, or *Centuries*, went in one by one to give their Votes. *Cicero*, in one of his Epistles to *Atticus*, intimates a noble Design he had to make the *Septa* of Marble, and to cover them with a high Roof, with the Addition of a stately *Portico*, or *Piazza*, all round. But as we hear no more of this Project, we may therefore reasonably suppose, he was disappointed by the Civil Wars which broke out soon after.

CHAP. V.

Of the Curiæ, Senacula, Basilicæ, Fora, *and* Comitium.

THE *Roman Curia* (as it signifies a public Edifice) was of two sorts, Divine and Civil: In the former, the Priests and Religious Orders met for the Regulation of the Rites and Ceremonies belonging to the Worship of the Gods: In the other, the Senate used to assemble, to consult about the public Concerns of the Commonwealth (*b*). The Senate could not meet in such a *Curia*, unless it had been so-

(*a*) *Fabric. Rom.* cap. 12. (*b*) *Alex.* ab *Alex.* 1. cap. 16.

lemnly

lemnly conſecrated by the *Augurs* (*a*), and made of the ſame Nature as a Temple. Sometimes (at leaſt,) the *Curiæ* were no diſtinct Building, but only a Room or Hall in ſome public Place; as particularly *Livy* (*b*) and *Pliny* (*c*) ſpeak of a *Curia* in the *Comitium*, though that was no entire Structure. The moſt celebrated *Curiæ* were:

Curia Hoſtilia, built by *Tullus Hoſtilius*, as *Livy* (*d*) informs us: And,

Curia Pompeii, where the Senate aſſembled for the effecting of the Death of *Julius Cæſar* (*e*).

Senaculum is ſometimes the ſame as *Curia* (*f*): Probably, it was no other than a Meeting-place for the Senate, the ſame as the *Grecians* called γερουσία *Sext. Pomp. Feſtus* (*g*) tells us of three *Senacula*; two within the City-Walls for ordinary Conſultations; and one without the Limits of the City, where the Senate aſſembled to give Audience to thoſe Ambaſſadors of Foreign States, whom they were unwilling to honour with an Admiſſion into the City.

Lampridius (*h*) informs us, that the Emperor *Heliogabalus* built a *Senaculum* purpoſely for the Uſe of the Women, where, upon high Days, a Council of grave Matrons were to keep Court.

The *Baſilicæ* were very ſpacious and beautiful Edifices, deſigned chiefly for the *Centumviri*, or Judges, to ſit and hear Cauſes, and for the Counſellors to receive Clients. The Bankers too had one Part of it allotted for their Reſidence (*i*). *Voſſius* (*k* has obſerved, that theſe *Baſilicæ* were exactly in the Shape of our Churches, oblong almoſt like a Ship; which was the Reaſon that, upon the Ruin of many of them, Chriſtian Churches were ſeveral Times raiſed on the old Foundations: And very often a whole *Baſilica* was converted to ſuch a pious Uſe. And hence perhaps all our great Domes or Cathedrals, are ſtill called *Baſilicæ*.

The *Roman Forums* were public Buildings, about three Times as long as they were broad. All the Compaſs of the *Forum* was ſurrounded with arched Porticoes, only ſome Paſſages being left for Places of Entrance. They generally contrived to have the moſt ſtately Edifices all round them, as *Temples*, *Theatres*, *Baſilicæ*, &c. (*l*).

(*a*) *A. Gell.* lib. 14. c. 7. (*b*) *Lib.* 1. (*c*) *Lib.*— (*d*) *Lib.* 1. (*e*) *Sueton.* in *Jul. Cæſ.* c. 80. (*f*) *Marlian.* Topog. Ant. *Rom.* lib. 3. c. 27. (*g*) In *voce Senaculum.* (*h*) In vit. *Heliogab.* (*i*) *Roſin.* Ant. lib. 9. c. 7. (*k*) In *voce Baſilica.* (*l*) *Lipſ.* de Mag. *Rom.*

They

They were of two Sorts; *Fora Civilia*, and *Fora Venalia*: The firſt were deſigned for the Ornament of the City, and for the Uſe of public Courts of Juſtice; the others were intended for no other End but the Neceſſities and Conveniencies of the Inhabitants, and were, no doubt, equivalent to our Markets. I believe *Lipſius*, in the Deſcription that has been given above, means only the former. Of theſe there were five very conſiderable in *Rome*.

Forum Romanum, built by *Romulus*, and adorned with Porticoes on all Sides by *Tarquinius Priſcus*. It was called *Forum Romanum*, or ſimply *Forum*, by way of Eminence, on Account of its Antiquity, and of the moſt frequent Uſe of it in public Affairs. *Martial* (*a*) and *Statius* (*b*), for the ſame Reaſon, give it the Name of *Forum Latinum*: *Ovid* the ſame (*c*), and of *Forum Magnum* (*d*); and *Herodian* (*e*) calls it τὴν ἀρχαίαν ἀγορὰν; *Forum vetus*.

Statius the Poet (*f*) has given an accurate Deſcription of the *Forum*, in his Poem upon the Statue of *Domitian* on Horſeback, ſet up here by that Emperor.

Forum Julium, built by *Julius Cæſar*, with the Spoils taken in the *Gallic* War. The *Area* only, *Suetonius* (*g*) tells us, coſt 100,000 Seſterces; and *Dio* (*h*) affirms it to have much exceeded the *Forum Romanum*.

Forum Auguſti, built by *Auguſtus Cæſar*, and reckoned by *Pliny* among the Wonders of the City. The moſt remarkable Curioſity was the Statues in the two *Porticoes*, on each Side of the main Building. In one, were all the *Latin* Kings, beginning with *Æneas*; in the other, all the Kings of *Rome*, beginning with *Romulus*, and moſt of the eminent Perſons in the Commonwealth, and *Auguſtus* himſelf among the reſt; with an Inſcription upon the Pedeſtal of every Statue, expreſſing the chief Actions and Exploits of the Perſon it repreſented (*i*).

This *Forum*, as *Spartian* (*k*) informs us, was reſtored by the Emperor *Hadrian*.

Forum Nervæ, begun by *Domitian*, as *Suetonius* (*l*) relates; but finiſhed and named by the Emperor *Nerva*. In this *Forum Alexander Severus* ſet up the Statues of all the Emperors that had been canonized (*m*), in Imitation of the Contrivance of *Auguſtus*, before mentioned. This *Forum* was called *Tranſitorium*, becauſe it lay very convenient for a Paſſage

(*a*) *Epig.* lib. 2. (*b*) *Sylvar.* lib. 1. cap. 1. (*c*) *Faſt.* 4. (*d*) *Faſt.* 3. (*e*) In vit. *M. Antonin.* (*f*) *Syl.* lib. 1. cap. 1. (*g*) In *Jul. Cæſ.* cap. 26. (*h*) *Dio* lib. 43. (*i*) *Lipſ.* de Magnitud. *Rom.* (*k*) In vit. *Hadriani.* (*l*) In *Domit.* cap. 5. (*m*) *Spartian* in *Severo*.

to

to the other three; and *Palladium*, from the Statue of *Minerva*, the tutelar Deity of *Auguſtus* (*a*); upon which Account, perhaps, *Fabricius* (*b*) attributes the Name of *Palladium* to the *Forum* of that Emperor.

There is ſcarce any thing remaining of this *Forum*, except an old decayed Arch, which the People by a ſtrange Corruption, inſtead of *Nerva*'s Arch, call *Noah*'s Ark (*c*).

But the moſt celebrated for its admirable Structure and Contrivance was the *Forum Trajani*, built by the Emperor *Trajan*, with the foreign Spoils he had taken in the Wars. The Covering of this Edifice was all Braſs, the *Porticoes* exceedingly beautiful and magnificent, with Pillars of more than ordinary Height, and Chapiters of extraordinary Bigneſs (*d*).

Ammianus Marcellinus, in the Deſcription of the triumphal Entrance of *Conſtantius* into *Rome*, when he has brought him, with great Admiration, by the Baths, the *Pantheon*, the *Capitol*, and other noble Structures, as ſoon as ever he gives him a Sight of this *Forum* of *Trajan*, he is put into an Extaſy, and cannot forbear making an Harangue upon its Beauty (*e*). We meet in the ſame Place with a ſmart Repartee, which *Conſtantius* received at this Time from *Ormiſdas*, a *Perſian* Prince. The Emperor, as he admired every Thing belonging to this noble Pile, ſo he had a particular Fancy for the Statue of *Trajan*'s Horſe, which ſtood on the Top of the Building, and expreſſed his Deſire of doing as much for his own Beaſt: *Pray, Sir*, ſays the Prince, *before you talk of getting ſuch a Horſe, will you be pleaſed to build ſuch a Stable to put him in* (*f*)?

The Chief for *Venalia*, or, Markets, were,

Boarium, for Oxen and Beef.

Propertius (*g*) ſpeaking of this *Forum*, imagines it took its Name from the Oxen of *Hercules* which he brought from *Spain*, and reſcued them here, after they had been ſtolen by *Cacus*.

Suarium, for Swine.

Piſtorium, for Bread.

Cupedinarium, for Dainties.

Holitorium, for Roots, Sallads, *&c.*

The *Comitia* was only a Part of the *Forum Romanum*, which ſerved ſometimes for the Celebration of the *Comitia*, which will be deſcribed hereafter.

(*a*) *Lipſ.* in *Magn. Roma.* (*b*) *Roma*, cap. 7. (*c*) *Marlian.* lib. 3. cap. 14. (*d*) *Idem* lib. cap. 13. (*e*) *Ammian. Marcellin.* Hiſt. lib. 16. (*f*) *Ibid.* (*g*) *Lib.* 4. Eleg. 10. ver. 20.

In

In this Part of the *Forum* ſtood the *Roſtrum*, being a *Suggeſtum*, or Sort of Pulpit, adorned with the Beaks of Ships taken in a Sea-Fight from the Inhabitants of *Antium* in *Italy*, as *Livy* (*a*) informs us. In this the Cauſes were pleaded, the Orations made, and the Funeral Panegyrics ſpoke by Perſons at the Death of their Relations; which pious Action they termed *Defuncti pro roſtris laudatio.*

Near it was fixed the *Puteal*, of which we have ſeveral and very different Accounts from the Critics; but none more probable than the Opinion of the ingenious Monſieur *Dacier* (*b*), which he delivers to this Purpoſe.

"The *Romans*, whenever a Thunderbolt fell upon a Place "without a Roof, took care, out of Superſtition, to have "a Sort of Cover built over it, which they properly called "*Puteal.* This had the Name of *Puteal Libonis* and *Scribo-*"*nium Puteal*, becauſe *Scribonius Libo* erected it by Order "of the Senate. The *Prætor*'s Tribunal, ſtanding juſt by, "is often ſignified in Authors by the ſame Expreſſion."

(*a*) Lib. 8. (*b*) *Dacier*, Notes on *Horace*, Sat. lib. 2. Sat. 6. verſe 35.

CHAP. VI.

Of the Porticos, Arches, Columns, *and* Trophies.

IN Accounts of the eminent Buildings of the City, the *PORTICOS* have ever had an honourable Place. They were Structures of curious Work and extraordinary Beauty, annexed to public Edifices, Sacred and Civil, and as well for Ornament as Uſe. They generally took their Names either from the Temples that they ſtood near, as *Porticus Concordiæ*, *Quirini*, *Herculis*, &c. or from the Authors, as *Porticus Pompeia*, *Octavia*, *Livia*, &c. or from the Nature and Form of the Building, as *Porticus curva*, *ſtadiata*, *porphyretica*; or from the Shops that were kept in them, as *Margaritaria*, and *Argentaria*; or from the remarkable Paintings as them, as *Porticus Iſidis*, *Europæ*, &c. or elſe from the Places to which they joined, as *Porticus Amphitheatri*, *Porticus Circi*, &c. (*a*).

The *Porticos* were ſometimes put to very ſerious Uſe, ſerving for the Aſſemblies of the Senate on ſeveral Accounts. Sometimes the Jewellers, and ſuch as dealt in the moſt precious Wares, took up here their Standing, to expoſe their

(*a*) *Fabricii Roma*, cap. 13.

Goods to Sale: But the general Use that they were put to was the Pleasure of walking or riding in them; in the Shade in Summer, and in Winter in the dry; like the present *Piazza*'s in *Italy*. *Velleius Paterculus* (*a*), when he deplores the extreme Corruption of Manners that had crept into *Rome*, upon the otherwise happy Conclusion of the *Carthaginian* War, mentions particularly the Vanity of the Noblemen, in endeavouring to outshine one another in the Magnificence of their *Porticos*, as a great Instance of their extravagant Luxury.

And *Juvenal* in his seventh Satyr complains:

Balnea sexcentis, & pluris Porticus, in quâ
Gestetur Dominus quoties pluit: anne serenum
Expectet, spargatne tuto jumenta recenti?
Hic potius namque hic mundæ nitet ungula mulæ.

On sumptuous Baths the Rich their Wealth bestow,
Or some expensive airy Portico;
Where safe from Showers they may be borne in State;
And, free from Tempests, for fair Weather wait;
Or rather not expect the clearing Sun,
Through thick and thin their Equipage must run:
Or staying, 'tis not for their Servants Sake,
But that their Mules no Prejudice may take.

DRYDEN.

ARCHES were public Buildings, designed for the Reward and Encouragement of noble Enterprizes, generally erected to the Honour of such eminent Persons as had either won a Victory of extraordinary Consequence Abroad, or had rescued the Commonwealth at Home from any considerable Danger. At first they were plain and rude Structures, by no means remarkable for Beauty or State. But in latter Times no Expences were thought too great for the rendering of them in the highest Manner splendid and magnificent: Nothing being more usual, than to have the greatest Actions of the Heroes they stood to honour, curiously expressed, or the whole Procession of the Triumph cut out on the Sides. The Arches built by *Romulus* were only of Brick; that of *Camillus* of plain square Stone; but those of *Cæsar*, *Drusus*, *Titus*, *Trajan*, *Gordian*, &c. were entirely Marble (*b*).

As to their Figure, they were at first Semicircular, whence probably they took their Names. Afterwards they were built

(*a*) Lib. 2. cap. 1. (*b*) *Fabricii Roma*, cap. 14.

Four

Four-ſquare, with a ſpacious arched Gate in the Middle, and little ones on each Side. Upon the vaulted Part of the Middle-Gate, hung little winged Images, repreſenting Victory, with Crowns in their Hands, which, when they were let down, they put upon the Conqueror's Head as he paſſed under in Triumph (*a*).

The COLUMNS or Pillars were far from the meaneſt Beauties of the City. They were at laſt converted to the ſame Deſign as the Arches, for the honourable Memorial of ſome noble Victory or Exploit, after they had been a long Time in Uſe for the chief Ornaments of the Sepulchres of great Men; as may be gathered from *Homer*, *Iliad* 16. where *Juno*, when foretelling the Death of *Sarpedon*, and ſpeaking of carrying him into his own Country to be buried, has theſe Words;

Ἔνθα ἑ ταρχύσουσι κασίγνητοί τε, ἕταί τε,
Τύμβῳ τε στήλῃ τε, τὸ γὰρ γέρας ἐστι θανόντων.

There ſhall his Brothers and ſad Friends receive
The breathleſs Corpſe, and bear it to the Grave.
A Pillar ſhall be rear'd, a Tomb be laid,
The nobleſt Honour Earth can give the Dead.

The Pillars of the Emperors *Trajan* and *Antoninus* having been extremely admired for their Beauty and curious Work, deſerve a particular Deſcription.

The former was ſet up in the Middle of *Trajan's Forum*, being compoſed of 24 great Stones of Marble, but ſo curiouſly cemented as to ſeem one intire natural Stone. The Height was 144 Feet, according to *Eutropius* (*b*); though *Marlian* (*c*) ſeems to make it but 128: Yet they are eaſily reconciled, if we ſuppoſe one of them to have begun the Meaſure from the Pillar itſelf, and the other from the Baſis. It is aſcended on the Inſide by 185 winding Stairs, and has 40 little Windows for the Admiſſion of the Light. The whole Pillar is incruſted with Marble; in which are expreſſed all the noble Actions of the Emperor, and particularly in the *Dacian* War. One may ſee all over it the ſeveral Figures of Forts, Bulwarks, Bridges, Ships, *&c.* and all Manner of Arms, as Shields, Helmets, Targets, Swords, Spears, Daggers, Belts, *&c.* together with the ſeveral Offices and Employments of the Soldiers; ſome digging Trenches, ſome meaſuring out a Place for the Tents, and others making a Triumphal Proceſſion (*d*). But the nobleſt Ornament of

(*a*) *Fabricii Roma*, cap. 15. (*b*) *Hiſt.* lib. 8. (*c*) Lib. 3. cap. 13.
(*d*) *Fabricius*, c. 7.

this Pillar was the Statue of *Trajan* on the Top, of a gigantic Bigneſs; being no leſs than twenty Feet high. He was repreſented in a Coat of Armour proper to the General, holding in his Left-Hand a Sceptre, in his Right a hollow Globe of Gold, in which his own Aſhes were repoſited after his Death (*a*).

The Column of *Antoninus* was raiſed in Imitation of this, which is exceeded only in one Reſpect, that it was 176 Feet high (*b*): For the Work was much inferior to the former, as being undertaken in the declining Age of the Empire. The Aſcent on the Inſide was by 106 Stairs, and the Windows in the Sides were 56. The Sculpture, and the other Ornaments, were of the ſame Nature as thoſe of the firſt: And on the Top ſtood a *Coloſſus* of the Emperor naked, as appear from ſome of his Coins (*c*).

Both theſe Columns are ſtill ſtanding at *Rome*; the former moſt intire. But Pope *Sixtus* the firſt, inſtead of the two Statues of the Emperors, ſet up St. *Peter*'s on the Column of *Trajan*, and St. *Paul*'s on that of *Antoninus* (*d*).

Among the Columns we muſt not paſs by the *Miliarum aureum*, a gilded Pillar in the *Forum*, erected by *Auguſtus Cæſar*, at which all the Highways of *Italy* met, and were concluded (*e*). From this they counted their Miles, at the End of every Mile ſetting up a Stone; whence came the Phraſe of *Primus ab Urbe Lapis*, and the like. The Pillar, as Mr. *Laſſels* informs us, is ſtill to be ſeen.

Nor muſt we forget the *Columna Bellica*, thus deſcribed by *Ovid*.

Propoſcit à tergo ſummum brevis area Circum,
Eſt ibi non parvæ parva columna notæ:
Hinc ſolet haſta manu, belli prænuncia, mitti
In regem & gentem, cùm placet arma capi (*f*).

Behind the *Circus* on the level Ground
Stands a ſmall Pillar, for its Uſe renown'd:
Hence 'tis our Herald throws the fatal Spear,
Denotes the Quarrel, and begins the War.

But thoſe who admire Antiquity, will think all theſe inferior to the *Columna Roſtrata*, erected to the Honour of *C. Duilius*, when he had gained ſo famous a Victory over the *Carthaginian* and *Sicilian* Fleets, *A. U. C.* 493, and adorned

(*a*) *Caſalius Par.* 1. c. 11. (*b*) *Marlian. l.* 6. c. 13. (*c*) *Id.* (*d*) *Caſal. Par.* 1. c. 11. (*e*) *Marlian. l.* 3. c. 18. (*f*) *Ovid. Faſt.* 6.

with

with the Beaks of the Veſſels taken in the Engagement. This is ſtill to be ſeen in *Rome*, and never fails of a Viſit from any curious Stranger. The Inſcription on the Baſis is a noble Example of the old Way of Writing, in the early Times of the Commonwealth. Beſides this antient and moſt celebrated one, there were ſeveral other *Columnæ roſtratæ* erected on like Occaſions; as particularly four by *Auguſtus Cæſar*, after the Defeat of *Anthony* at *Actium:* To theſe *Virgil* alludes;

Addam & navali ſurgentes ære columnas (*a*).

The Deſign of the Trophies is too well known to need any Explication: the Shape of them cannot be better underſtood, than by the following Deſcription of the Poet.

Ingentum quercum deciſis undique ramis
Conſtituit tumulo, fulgentiaque induit arma;
Mezentî *ducis exuvias; tibi magne trophæum.*
Bellipotens: aptat rorantes ſanguine criſtas,
Telaque trunca viri, & bis ſex thoraca petitum
Perfoſſumque locis: clypeumque ex ære ſiniſtræ
Subligat, atque enſem collo ſuſpendit eburnum (*b*).

And firſt he lopp'd an Oak's great Branches round;
The Trunk he faſten'd in a riſing Ground:
And here he fix'd the ſhining Armour on,
The mighty Spoil from proud *Mezentius* won:
Above the Creſt was plac'd, that dropt with Blood,
A grateful Trophy to the warlike God;
His ſhatter'd Spears ſtuck round: The Croſlet too,
Pierc'd in twelve Places, hung deform below:
While the left Side his maſſy Target bears,
The Neck the glittering Blade he brandiſh'd in the Wars.

Of thoſe Trophies which *Marius* raiſed after the *Cimbric* War, ſtill remaining at *Rome*, we have this Account in *Fabricius: They are two Trunks of Marble hung round with Spoils: One of them is covered with a ſcaly Croſlet, with Shields and other military Ornaments: Juſt before it, is ſet a young Man in the Poſture of a Captive with his Hands tied behind him, and all around are winged Images of Victory. The other is ſet out with the common military Garb, having a Shield of an unequal Round, and two Helmets, one open and adorned with Creſts, the other cloſe without Creſts. On the ſame Trophy is the Shape of a Soldier's Coat, with ſeveral other Deſigns, which, by Reaſon of the Decay of the Marble, are very difficult to be diſcovered* (*c*).

(*a*) *Georg.* 3. (*b*) *Virg. Æneid.* 11. (*c*) *Fabricius*, cap. 14.

CHAP. VII.

Of the Bagnios, Aquæducts, Cloacæ, *and* Public Ways.

THERE cannot be a greater Inſtance of the Magnificence or Luxury of the *Romans*, than their noble *Bagnios*. *Ammianus Marcellinus* obſerves (*a*), that they were built *in modum Provinciarum*, large as Provinces: But *Valeſius* (*b*) judges the Word *Provinciarum* to be a Corruption of *Piſcinarum*. And though this Emendation in ſome Meaſure extenuates one Part of the Vanity, which has been ſo often alledged againſt them, from the Authority of that Paſſage of the Hiſtorian; yet the prodigious Accounts that we have of their Ornaments and Furniture will bring them, perhaps, under a Cenſure no more favourable than the former. *Seneca*, ſpeaking of the Luxury of his Country-men in this Reſpect, complains, That they were arrived to ſuch a Pitch of Niceneſs and Delicacy as to ſcorn to ſet their Feet on any Thing but precious Stones (*c*). And *Pliny* wiſhes good old *Fabricius* were alive, to ſee the Degeneracy of his Poſterity, when the very Women muſt have their Seats in the Baths of ſolid Silver (*d*). But a Deſcription from a Poet, may, perhaps, be more diverting; and this *Statius* has obliged us with, in his Poem upon the Baths of *Claudius Etruſcus*, Steward to the Emperor *Claudius*.

Nil ibi plebeium: nuſquam Temeſæa videbis
Æra, ſed argento felix propellitur unda,
Argentoque cadit, labriſque nitentibus inſtat,
Delicias mirata ſuas, & abire recuſat.

Nothing there's vulgar: Not the faireſt Braſs
In all the glittering Structure claims a Place.
From Silver-Pipes the happy Waters flow;
In Silver Ciſterns are receiv'd below.

(*a*) *Ammian. Marcell.* lib. 16. (*b*) *Nota ad locum.* (*c*) *Epiſt.* 86. (*d*) Lib. 13. cap. 12.

See

See where with noble Pride the doubtful Stream
Stands fix'd in Wonder on the ſhining Brim;
Surveys its Riches, and admires its State;
Loth to be raviſh'd from the glorious Seat!

The moſt remarkable Bagnios were thoſe of the Emperors *Dioclefian* and *Antoninus Caracalla*; great Part of which are ſtanding at this Time, and with the vaſt high Arches, the beautiful and ſtately Pillars, the extraordinary Plenty of foreign Marble, the curious Vaulting of the Roofs, the prodigious Number of ſpacious Apartments, and a thouſand other Ornaments and Conveniencies, are as pleaſing a Sight to a Traveller, as any other Antiquities in *Rome*.

To theſe may be added the *Nymphæa*; a Kind of Grottos ſacred to the Nymphs, from whoſe Statues which adorned them, or from the Waters and Fountains which they afforded, their Name is evidently derived. A ſhort Eſſay of the famous *Lucas Holſtenius* on the old Picture of a *Nymphæum* dug up at the Foundation of the Palace of the *Barbarini*, is to be met with in the fourth Tome of *Grævius's Theſaurus*, p. 1800.

The *Aquæducts*, were, without Queſtion, ſome of the nobleſt Deſigns of the old *Romans*. *Sextus Julius Frontinus*, a *Roman* Author, and a Perſon of Conſular Dignity, who has compiled a whole Treatiſe on this Subject, affirms them to be the cleareſt Token of the Grandeur of the Empire. The firſt Invention of them is attributed to *Appius Claudius*, *A. U. C.* 441, who brought Water into the City by a Channel of eleven Miles in length. But this was very inconſiderable to thoſe that were afterwards carried on by the Emperors and other Perſons; ſeveral of which were cut through the Mountains, and all other Impediments, for above forty Miles together; and of ſuch an Height, that a Man on Horſeback, as *Procopius* informs us, might ride through them without the leaſt Difficulty (*a*). But this is meant only of the conſtant Courſe of the Channel; for the Vaults and Arches were in ſome Places 109 Feet high (*b*). *Procopius* (*c*) makes the *Aquæducts* but fourteen: *Victor* (*d*) has enlarged the Number to twenty: In the Names of them the Waters only were mentioned; as *Aqua Claudia*, *Aqua Appia*, &c.

The noble Poet *Rutilius* thus touches on the *Aquæducts*, in his ingenious Itinerary:

(*a*) *Procopius de Bell. Goth.* lib. 1. (*b*) *Sext. Jul. Frontin.* (*c*) *De Bell. Goth.* lib. 1. (*d*) Deſcript. *Urb. Region.*

Quid loquar aerio pendentes fornice rivos,
Qua vix imbriferas tolleret Iris *aquas?*
Hos potius dicas crevisse in sidera montes,
Tale Giganteum Græcia *laudat opus* (*a*).

What should I sing how lofty Waters flow
From airy Vaults, and leave the Rain below,
While conquer'd *Iris* yields with her unequal Bow?
Bold *Typhon* here had spar'd his Strength and Skill,
And reach'd *Jove*'s Wall from any single Hill.

But that which *Pliny* calls *Opus omnium maximum*, were the *Cloacæ*, or common Gutters for the Conveyance of Dirt and Filth. And because no Authority can be better than his, we may venture to borrow the whole Account of them from the same Place, *Cloacæ opus omnium maximum*, &c.

'The *Cloacæ*, the greatest of all the Works, he contrived 'by undermining and cutting through the seven Hills upon 'which *Rome* is seated, making the City hang, as it were, 'between Heaven and Earth, and capable of being sailed 'under. *M. Agrippa*, in his Edileship, made no less than 'seven Streams meet together under Ground in one main 'Channel, with such a rapid Current, as to carry all before 'them that they met with in their Passage. Sometimes, 'when they are violently swelled with immoderate Rains, 'they beat with excessive Fury against the Paving at the 'Bottom, and on the Sides. Sometimes in a Flood, the '*Tiber* Waters oppose them in their Course; and then the 'two Streams encounter with all the Fury imaginable; and 'yet the Works preserve their old Strength, without any 'sensible Damage. Sometimes huge Pieces of Stone and 'Timber, or such like Materials, are carried down the Chan-'nel; and yet the Fabric receives no Detriment. Sometimes 'the Ruins of whole Buildings destroyed by Fire, or other 'Casualties, press heavily upon the Frame. Sometimes ter-'rible Earthquakes shake the very Foundations; and yet 'they still continue impregnable almost 800 Years since they 'were first laid by *Tarquinius* (*b*).'

Very little inferior to the Works already mentioned were the public Ways, built with extraordinary Charge, at a great Distance from the City on all Sides. They were generally paved with Flint; tho' sometimes, and especially without the City,

(*a*) *Rutil. Itinerar.* lib. 1. (*b*) *Plin.* lib. 36. cap. 16.

with

with Pebbles and Gravel. The moſt noble, in all Reſpects, was the *Via Appia*, taking its Name from the Author *Appius*, the ſame that invented the *Cloacæ*. This was carried to ſuch a vaſt Length, that *Procopius* (*a*) reckons it five Days Journey to reach the End: And *Lipſius* (*b*) computes it at 350 Miles. An Account of as much of this Way as lies between *Rome* and *Naples*, Biſhop *Burnet* has obliged us with in his Letters (*c*): He tells us, it is twelve Feet broad; all made of huge Stones, moſt of them blue; and they are generally a Foot and a half large on all Sides. And preſently after, admiring the extraordinary Strength of the Work, he ſays, that though it has laſted above 1800 Years, yet in moſt Places, it is for ſeveral Miles (*d*) together as intire as when it was firſt made. And as to the *Via Flaminia*, the next Cauſey of Note, the ſame Author obſerves, that though it be not indeed ſo intire as the former, yet there is enough left to raiſe a juſt Idea of the *Roman* Greatneſs.

I ſhall conclude this Subject with the ingenious Epigram of *Janus Vitalis*, an *Italian* Poet.

Quid Romam *in media quæris novus advena* Roma,
Et Romæ *in* Roma *nil reperis media?*
Aſpice murorum moles, præruptaque ſaxa,
Obrutaque horrenti vaſta Theatra ſitu:
Hæc ſunt Roma: *Viden' velut ipſa cadavera tantæ*
Urbis adhuc ſpirent imperioſa minas?
Vicit et hæc mundum, niſa eſt ſe vincere: vicit,
A ſe non victum ne quid in orbe foret.
Hinc victâ in Roma *victrix* Roma *illa ſepulta eſt,*
Atque eadem victrix victaque Roma *fuit.*
Albula *Romani reſtat nunc nominis index,*
Qui quoque nunc rapidis fertur in æquor aquis.
Diſce hinc quid poſſit fortuna; immota labaſcunt,
Et quæ perpetuo ſunt agitata manent.

To ſeek for *Rome*, vain Stranger, art thou come
And find'ſt no Mark, within *Rome*'s Walls, of *Rome?*
See here the craggy Walls, the Towers defac'd,
And Piles that frighten more than once they pleas'd:
See the vaſt Theatres, a ſhapeleſs Load,
And Sights more Tragic than they ever ſhow'd:

(*a*) *De Bell. Goth.* lib. 1. (*b*) *De Magn. Rom.* (*c*) Letter 4th. (*d*) *Ibid.*

This

This, this is *Rome:* Her haughty Carcaſs ſpread
Still awes in Ruin, and commands when dead.
The Subject World firſt took from her their Fate;
And when ſhe only ſtood unconquer'd yet,
Herſelf ſhe laſt ſubdu'd, to make the Work compleat.
But ah! ſo dear the fatal Triumph coſt,
That conqu'ring *Rome* is in the conquer'd loſt;
Yet rolling *Tiber* ſtill maintains his Stream,
Swell'd with the Glories of the *Roman* Name.
Strange Power of Fate! unſhaken Moles muſt waſte;
While Things that ever move for ever laſt.

PART II. BOOK II.

Of the RELIGION *of the Romans.*

CHAP. I.

Of the Religion *and* Morality *of the* ROMANS *in General.*

THAT RELIGION is abſolutely neceſſary for the eſtabliſhing of Civil Government, is a Truth ſo far from being denied by any Sort of Perſons, that we meet with too many who are unwilling to allow any other Deſign in ſacred Inſtitutions. As to the *Romans*, it has been univerſally agreed, that Virtue and Fortune were engaged in a Sort of noble Contention for the Advancement of the Grandeur and Happineſs of that People. And a Judge, not ſuſpected of Partiality in that Caſe, has concluded the latter to be only a Conſequence of the former. *For Religion*, ſays he (*a*), *produced good Laws: good Laws, good Fortune*; *and good Fortune, a good End in whatever they undertook.* Nor, perhaps, has he ſtrained the Panegyric much too high, when he tells us, That *for ſeveral Ages together, never was the Fear of God more eminently conſpicuous than in that Republic* (*b*). It was this Conſideration which made the great St. *Auguſtine* obſerve (*c*), That God would not give Heaven to the *Romans*, becauſe they were Heathens; but he gave them the Empire of the World becauſe they were Virtuous. And indeed, in their more general Vir-

(*a*) *Machiavel*'s Diſcourſe on *Livy*, lib. 1. cap. 11. (*b*) *Ibid.* (*c*) *De Civitate Dei*, lib. 4. cap. 15.

tues

tues their Practice inclined rather to the Exceſs than the Defect: Thus were they devout to Superſtition; valiant to a Contempt of Life and an inconſiderate Courting of Danger; frugal and temperate in the firſt Ages to a voluntary Abſtinence from agreeable Pleaſures and Conveniencies; conſtant ſeveral Times to the Occaſion of their own Ruin; and rather rigorous than juſt. A tedious Account of the *Decii*, *Regulus*, *Fabricius*, *Curius*, *Scævola*, &c. would be needleſs even to a School-Boy, who is ſeldom unfurniſhed with a Stock of ſuch Hiſtories.

But we muſt by no means omit a moſt noble Saying of *Cicero*, to this Purpoſe, in his Oration about the Anſwer of the *Auruſpices*: *Quam volumus licet, Patres Conſcripti, nos amemus: tamen nec numero Hiſpanos; nec robore Gallos, nec calliditate Pœnos, nec artibus Græcos; nec denique hoc ipſo hujus Gentis & Terræ domeſtico nativoque ſenſu Italos ipſos & Latinos: ſed Pietate ac Religione, atque hac una ſapientia, quod Deorum immortalium Numine omnia regi gubernarique perſpeximus, omnes Gentes Nationeſque ſuperavimus.*

But it will naturally be objected, that whatever Harangues we make upon the Juſtice, Temperance, and other celebrated Virtues of the old *Romans*, they at laſt degenerated into the moſt luxurious and extravagant People in the World. Every Page of their own Satyriſts is a very good Argument for this Opinion; beſides the numerous Complaints of their Hiſtorians and other Writers. Now though *Lipſius* has undertaken to clear them from ſuch Imputations; yet we muſt be forced to allow, that they debaſed the noble and generous Spirit of their Anceſtors; and this Corruption was, without doubt, the only Cauſe of the Declenſion and Ruin of the Empire. But as we are not to give over the Cauſe of Virtue, on Account of the Debauchery of latter Times, ſo we have little Reaſon to exalt the eminent Qualities of the old *Romans* to ſo high a Pitch as ſome imagine. There is no Neceſſity of making a Hero of every Conſul, or fancying every one, who was eminently ſerviceable to the Republic, to have been a Perſon of conſummate Virtue. So that when we meet in *Roman* Authors with ſuch extravagant Encomiums of their Anceſtors, we may conclude, that what *Horace* has obſerved in Reference to Poetry will hold good in this Caſe: The Generality of People being ſo ſtrangely tranſported with the Love and Admiration of Antiquity, that nothing was more uſual than to meet with ſuch a Perſon as he deſcribes.

Qui

Qui redit ad Faſtos, & virtutem æſtimat annis,
Miraturque nihil niſi quod Libitina *ſacravit.*

That when he'd try a Man's Pretence to Fame,
Runs to his Chronicle to find his Name:
Thinks Virtue better for its Age, like Wine;
And only likes what Death has made Divine.

For we may often obſerve, that their very Panegyrics upon the honeſt People of the firſt Ages of the Commonwealth, repreſent them rather as a Sort of rude, unpoliſhed Mortals, than as Perſons eminent for any noble Endowments. So *Juvenal*, *Sat.* 14.

————*Saturabat glebula talis*
Patrem ipſum turbamque caſæ; quâ fœta jacebat
Uxor, & infantes ludebant quatuor, unus
Vernula, tres domini: Sed magnis fratribus horum
A ſcrobe vel ſulco redeuntibus altera cœna
Amplior, & grandes fumabant pultibus ollæ.

————This little Spot of Earth, well till'd,
A numerous Family with Plenty fill'd.
The good old Man and thrifty Houſewife ſpent
Their Days in Peace, and fatten'd with Content;
Enjoy'd the Dregs of Life, and liv'd to ſee
A long, deſcending, healthful Progeny.
The Men were faſhion'd in a larger Mould:
The Women fit for Labour, big, and bold.
Gigantic Hinds, as ſoon as Work was done,
To their huge Pots of boiling Pulſe would run;
Fell to, with eager Joy, on homely Food,
And their large Veins beat ſtrong with wholeſome Blood.
DRYDEN.

But the Account which *Perſius* gives us of *Titus Quintius*, the old Country Dictator, has ſomething more of ridiculous in it.

Unde Remus, *ſulcoque terens dentalia* Quinti,
Quem trepida ante boves Dictatorem induit uxor,
Et tua arrata domum Lictor tulit (a).——

(a) *Perſ. Sat.* 1.

Where

Where *Romulus* was bred, and *Quintus* born,
Whose shining Plough-share was in Furrows worn;
Met by his trembling Wife returning home,
And rustically joy'd as Chief of *Rome*.
She wip'd the Sweat from the Dictator's Brow;
And o'er his Back his Robe did rudely throw;
The Lictors bore in State their Lord's triumphant Plough.

DRYDEN.

We must therefore allow every Age its proper Character and Commendation; and conclude with the ingenious Monsieur St. *Evremont*, *That the excellent Citizens lived among the antient* Romans, *and the accomplished Generals among the latter* (*a*).

(*a*) Reflect. upon the Genius of the *Roman* People, *cap.* 4.

CHAP. II.

Of the Luperci, Lupercalia, &c. *Of the* Potitii *and* Pinarii; *and of the* Arval *Brothers.*

THE Places of Worship have been already described, the chief Subjects that still remain relating to Religion, are the Priests, the Sacrifices, and the Festivals: For it would be needless and impertinent to enter into a Disquisition about the Deities; a Matter that is involved in so many endless Fictions, and yet has employed so many Pens to explain it.

Luperci.] The most antient Order of the Priests were *Luperci*, sacred to *Pan* the God of the Country, and particularly of Shepherds. They had their Name from the Deity they attended on, called in *Greek* λύκαιος; probably from λύκος a Wolf, in *Latin*, *Lupus*; because the chief Employment of *Pan* was the driving away such Beasts from the Sheep that he protected. The *Lupercalia*, as *Plutarch* observes, appears to have been a Feast of *Purification*, being solemnized on the *Dies-Nefasti*, or Non-Court-Days of the Month *February*, which derives its Name from *februo*, to purify: And the very Day of the Celebration was antiently called *Februaca* (*a*).

Lupercalia.

(*a*) *Plutarch* in *Romul.*

The

The Ceremony was very ſingular and ſtrange.

In the firſt Place there was a Sacrifice killed of Goats and a Dog. Then two Children, Noblemens Sons, being brought thither, ſome of the *Luperci* ſtained their Foreheads with the bloody Knife, while others wiped off the Stain with Locks of Wool dipped in the Milk; the Boys muſt always laugh after their Foreheads have been wiped: This done, having cut the Goat-ſkins into Thongs, they ran about the Streets all naked but the Middle, and laſhed all that they met in their Proceſſion. The young Women never took any Care to avoid the Strokes, but rather offered themſelves of their own Accord, fancying them to be great Helpers of Conception and Delivery (*b*). They ran naked, becauſe *Pan* is always painted ſo. They ſacrificed a Goat, becauſe the ſame Deity was ſuppoſed to have Goats Feet; which gave Occaſion to his common Epithet of *Capripes*. As for the Dog we meet with in the Sacrifice, it was added as a neceſſary Companion of a Shepherd, and becauſe of the natural Antipathy between them and Wolves.

Some have fancied with *Plutarch*, that theſe *Lupercalia* were inſtituted in Honour of the Wolf that preſerved *Romulus* and *Remus*. Others carry their Original much higher and tell us, that they were brought into *Italy* by *Evander*, before the Time of *Æneas*.

There were two Companies of the *Luperci*, the *Fabiani* and *Quintiliani*; one for *Romulus*, the other for *Remus*: They took their Names from *Fabius* and *Quinctilius*, two of their Maſters or Chief Prieſts (*c*). *Dion Caſſius* tells us, that a third Sort of Prieſts, deſigned for the Celebration of the *Lupercalia*, were inſtituted by the Senate to the Honour of *Julius Cæſar* (*d*).

Suetonius (*e*) reckons the *Lupercalia* among the antient Rites and Ceremonies reſtored by *Auguſtus*: And *Onuph. Panvinius* aſſures us, they continued in *Rome* until the Time of the Emperor *Anaſtaſius*.

2. *Potitii* and *Pinarii*.] The *Potitii* and *Pinarii* were of equal Antiquity with the former. They owe their Inſtitution to the ſame Author, upon the following Account:

After the killing of *Cacus*, a Giant that had ſtolen ſome of the Cattle of *Hercules*, the Booty that he brought through *Italy* from *Spain*; the Shepherds and ignorant People of the Country, gathering in great Flocks about the Stranger, at laſt brought him before *Evander*. The King after Examination,

(*b*) *Plutarch* in *Romul.* (*c*) *Sext. Pomp. Feſtus & Ovid. Faſt.* (*d*) *Ibid.* 44. (*e*) In *Auguſt.* cap. 31.

finding

finding him to be in all Reſpects the ſame Perſon that his Mother the Propheteſs *Carmenta* had told him ſhould come into *Italy*, and be afterwards a God, immediately erected an Altar to his Honour, and offered for a Sacrifice a young Bullock that never bore the Yoke; ordaining, that the ſame Ceremony ſhould be repeated in a ſolemn Manner every Year. The Performance of theſe Rites he committed to the Care of the *Potitii* and *Pinarii*, two of the nobleſt Families, and of the beſt Repute, in thoſe Parts. It is reported, that the *Pinarii* happening to come too late to the Sacrifice, ſo as to loſe their Share in the Entrails, they were, by way of Puniſhment, debarred from ever taſting them for the future: And hence ſome derive their Name from πεῖνα, Hunger. But this I look on as a Miſtake; for we may as well derve *Potitii* from *potiri*, becauſe they enjoyed the Entrails, as *Pinarii* from πεῖνα, becauſe they wanted them.

We meet with ſomething very remarkable of the *Potitii* in *Livy* (*a*), and *Valerius Maximus* (*b*).

That when, upon Application made to *Appius Claudius* the Cenſor, they got Leave to have their hereditary Miniſtry diſcharged by Servants, in the Compaſs of one Year the whole Family was entirely extinct, though no leſs than thirty of them were luſty young Men. And *Appius Claudius* loſt his Eyes, as a judgment for his Part in the Offence.

Acca Laurentia, *Romulus*'s Nurſe, had a Cuſtom once a Year to make a ſolemn Sacrifice for a Bleſſing upon the Fields; her twelve Sons always aſſiſting in the Solemnity. At laſt ſhe had the ill Fortune to loſe one of her Sons; when *Romulus*, to ſhew his Gratitude and Reſpect, offered himſelf to fill up the Number in his Room, and gave the Company the Name of *Fratres Arvales*. This Order was in great Repute at *Rome*; they held the Dignity for their Lives, and never loſt it on Account of Impriſonment, Baniſhment, or any other Accident (*c*). They wore on their Heads, at the Time of their Solemnity, Crowns made of Ears of Corn, upon a Tradition, that *Laurentia* at firſt preſented *Romulus* with ſuch an one (*d*). Some affirm, that it was their Buſineſs to take care of the Boundaries, and the Diviſions of Lands, and to decide all Controverſies that might happen concerning them: The Proceſſions or Perambulations, made under their Guidance, being termed *Ambervalia*: Others make a different Order, inſtituted for that Purpoſe, called *Sidale Arvales*, on the ſame Account as the *Fratres Arvales*,

(*a*) Lib. 9. (*b*) Lib. 1. c. 1. (*c*) *Plin.* l. 17. c. 2. (*d*) *Pomp. Let.* de *Sacred.*

CHAP.

CHAP. II.

Of the Augurs, Auguries, *&c.*

THE Invention of Soothſaying is generally attributed to the *Chaldeans:* From them the Art paſſed to the *Grecians*; the *Grecians* delivered it to the *Tuſcans*, and they to the *Latins* and the *Romans*. The Name of *Augurs* is derived by ſome, *ab Avium geſtu*; by others *ab Avium garritu:* Either from the Motion and Actions, or from the Chirping and Chattering of Birds. *Romulus* was an extraordinary Proficient in this Art (*a*), and therefore as he divided the City into three Tribes, ſo he conſtituted three *Augurs*, one for every Tribe. Some Time after a fourth was added, probably by *Servius Tullus*, who encreaſed the Tribes to that Number. Theſe four being all choſen out of the *Patricii* or Nobility, in the Year of the City 454, the Tribunes of the People, with much Difficulty, procured an Order, that five Perſons, to be elected out of the Commons, ſhould be added to the College (*b*). Afterwards *Sylla* the *Dictator*, *A. U. C.* 971, increaſed the Number to fifteen (*c*). The eldeſt of theſe had the Command of the reſt, and was honoured with the Title of *Magiſter Collegii* (*d*).

Their Buſineſs was to interpret Dreams, Oracles, Prodigies, *&c.* and to tell whether any Action ſhould be fortunate or prejudicial to any particular Perſons, or to the Commonwealth. Upon this Account, they very often occaſioned the diſplacing of Magiſtrates, the deferring of public Aſſemblies, *&c.* whenever the Omens proved unlucky.

Before we treat of the ſeveral kinds of *Auguries*, it may not be improper to give an Account of the two chief Terms by which they are diſtinguiſhed in Authors, *dextra* and *ſiniſtra*. Theſe being differently applied by the *Greeks* and *Latins*, and very often by the *Latins* themſelves, (who ſometimes ſpeak agreeably to the *Grecian* Cuſtoms, ſometimes according to their own) have given Occaſion to many Miſtakes, which may be all cleared up by this plain Obſervation; that both the *Greeks* and *Romans* deriving the Happineſs of their Omens from the Eaſtern Quarter, the former turned towards the North, and ſo had the Eaſt on their Right Hand, the latter towards the South, and therefore had the Eaſt on their Left. *Vid. Bullenger.* de *Augur.* and *Auſpic.* L. 2. C. 2.

There are five Sorts of *Auguries* mentioned in Authors.

(*a*) *Plutarch* in *Romul.* (*b*) *Liv.* lib. 10. (*c*) *Florus* Epitom. *Liv.* lib. 89. (*d*) *Alex. ab Alex.* lib. 5. cap. 18.

1. From the Appearances of Heaven; as Thunder, Lightning, Comets, and other Meteors. As ſuppoſe of Thunder, whether it came from the Right or the Left: Whether the Number of Strokes were even or odd, *&c.* Only the Maſter of the College could take this Sort of *Augury* (*a*).

2. From Birds; whence they had the Name of *Auſpices*, from *avis* and *conſpicio*. Some Birds furniſhed them with Obſervations from their Chattering or Singing; others from their Flying. The former they called *Oſcines*; the latter *Præpetes*. Of the firſt Sort were Crows, Pies, Owls, *&c.* of the other, Eagles, Vultures, Buzzards, and the like.

For the taking of both theſe Sorts of *Auguries*, the Obſerver ſtood upon a Tower, with his Head covered in a Gown peculiar to his Office, called *Læna*, and, turning his Face towards the Eaſt, marked out the Heavens into four *Templa* or Quarters, with his *Lituus*, a ſhort ſtraight Rod, only a little turning at one End: This done, he waited for the Omen; which never ſignified any Thing unleſs confirmed by another of the ſame Sort.

3. From the Chickens kept in a Coop or Penn for this Purpoſe. The Manner of Divining from them was as follows: Early in the Morning the *Augur* that was to make the Obſervation, called from hence *Pullarius*, (though perhaps the Keeper of the Chickens had rather that Name) in the firſt Place commanding a general Silence, ordered the Penn to be opened, and threw down a Handful of Crumbs or Corn. If the Chickens did not immediately run fluttering to the Meat; if they ſcattered it with their Wings; if they went by without taking Notice of it, or if they flew away; the Omen was reckoned unfortunate, and to portend Danger or Misfortune: But if they leaped preſently out of the Penn, and eat ſo greedily, as to let ſome of their Meat drop out of their Mouths upon the Pavements, they thought it indicated Happineſs and Succeſs (*b*). This *Augury* was called *Tripudium*, *quaſi Terripavium*, from ſtriking the Earth: The old Word *pavire* ſignifying as much as *ferire*. We meet with *Tripudium Soliſtimum*, and *Tripudium Sonivium*, in *Feſtus*, both derived from the Crumbs falling to the Ground.

4. From Beaſts. Theſe, as *Roſinus* reckons them up, were Wolves, Foxes, Goats, Heifers, Aſſes, Rams, Hares, Weeſels, and Mice. The general Obſervations about them were, Whether they appeared in a ſtrange Place, or croſſed the Way; or whether they run to the Right or Left, *&c.*

(*a*) *Alex. ab Alex.* lib. 5. cap. 19. (*b*) *Idem*, lib. 9. cap. 29.

5. The

5. The last Sort of Divination was from what they called *Diræ*, or unusual Accidents to any Person or Place; as Sneezing, Stumbling, seeing Apparitions; hearing strange Voices, the falling of Salt upon the Table, the spilling of Wine upon one's Cloaths, the meeting of a Wolf, a Fox, a Hare, a Bitch with Whelp, &c.

We may observe, that though any *Augur* might take an Observation, yet the judging of the Omen was left to the Decision of the whole College (*a*).

Cicero has sufficiently exposed these *Auguries*, especially that about the Chickens, in his second Book of *Divination*.

The learned Mr. *O. W.* has taken notice, that the Emperors assumed the Office of *Augurs* as well as of *Pontiffs*, as appear from several Coins of *Julius*, *Augustus*, *Vespasian*, *Verus*, &c. which have the *Augurs* Ensigns upon them.

CHAP. IV.

Of the Aruspices *and* Pontifices.

THE *Aruspices* had this Name *ab aris aspiciendis*, from looking upon the Altars; as *ab extis inspiciendis*, they were called *Extispices*: They owe their Original to *Romulus*, who borrowed the Institution from the *Tuscans*. The *Tuscans* received it, according to the general Tradition, from a Boy that they strangely ploughed up out of the Ground, who discovered to them all the Mysteries belonging to this Art (*b*). At first only the Natives of *Tuscany* exercised this Office at *Rome*; and therefore the Senate made an Order, that twelve of the Sons of the principal Nobility should be sent into that Country, to be instructed in the Rites and Ceremonies of their Religion, of which this Secret was a chief Part (*c*). The Business of the *Aruspices* was to look upon the Beasts offered in Sacrifice, and by them to divine the Success of any Enterprise. They took their Observations from four Appearances.

1. From the Beasts before they were cut up.
2. From the Entrails of those Beasts after they were cut up.
3. From the Flame that rose when they were burning.
4. From the Flower or Bran, from the Frankincense, Wine, and Water that they used in the Sacrifice.

In the Beasts, before they were cut up, they took notice, whether they were forcibly dragged to the Altar; whether they got loose out of the Leaders Hands; whether they

(*a*) *Alex. ab Alex.* l. 1. c. 29. (*b*) *Cicero de Div.* l. 2. (*c*) *Id. de Div.* l. 1.

eſcaped the Stroke; or bounded up, and roared very loud when they received it; whether they died with a great deal of Difficulty, all which, with ſeveral other Omens, were counted unfortunate: Or whether, on the other Side, they followed the Leader without Compulſion; received the Blow without Struggling and Reſiſtance: whether they died eaſily, and ſent out a great Quantity of Blood, which gave equal Aſſurance of a proſperous Event.

In the Beaſt, when cut up, they obſerved the Colour of the Parts, and whether any were wanting. A double Liver was counted highly unfortunate: A little, or a lean Heart, was always unlucky: If the Heart was wholly miſſing, nothing could be thought more fatal and dreadful; as it happened in two Oxen together offered by *Julius Cæſar*, a little before his Murder. If the Entrails fell out of the Prieſt's Hands; if they were beſmeared more than ordinary with Blood; if they were of a livid Colour, they portended ſudden Danger and Ruin.

As to the Flame of the Sacrifice, it furniſhed them with a good Omen, if it gathered up violently, and preſently conſumed the Sacrifice; if it was clear, pure and tranſparent, without any Mixture of Smoke, and not diſcoloured with red, pale, or black; if it was quiet and calm, not ſparkling or crakling, but run up directly in the Shape of a Pyramid. On the contrary, it always portended Misfortunes, if at firſt it required much Pains to light it; if it did not burn upright, but rolled into Circles, and left void Spaces between them; if it did not preſently catch hold on the whole Sacrifice, but crept up by Degrees, from one Part to another; if it happened to be ſpread about by the Wind, or to be put out by ſudden Rain, or to leave any Part unconſumed.

In the Meal, Frankincenſe, Wine and Water, they were to obſerve, whether they had their due Quantity, their proper Taſte, Colour, and Smell, *&c.*

There were ſeveral leſſer Signs which ſupplied them with Conjectures, too inſignificant to be here mentioned.

Moſt of theſe ill Omens are hinted at by *Virgil*, *Georg.* 3. *v.* 486.

Sæpe in honore Deûm medio ſtans hoſtia ad aram,
Laxea dum niveâ circumdatur infula vittâ,
Inter cunctantes cecidit moribunda miniſtros.
Aut ſi quam ferro mactaverat antè Sacerdos,
Inde neque impoſitis ardent altaria fibris,
Nec reſponſa poteſt conſultus reddere vates:
Ac vix ſuppoſiti tinguntur ſanguine cultri,
Summaque jejune ſaniâ infuſcatur arena.

The

The Victim Ox that was for Altars preſs'd,
Trim'd with white Ribbands, and with Garlands dreſs'd,
Sunk of himſelf without the Gods Command,
Preventing the ſlow Sacrificer's Hand;
Or, by the holy Butcher if he fell,
Th' inſpected Entrails cou'd no Fate foretel:
Nor laid on Altars, did pure Flames ariſe,
But Clouds of ſmouldring Smoke forbad the Sacrifice.
Scarcely the Knife was redden'd with his Gore,
Or the black Poiſon ſtain'd the ſandy Floor.

DRYDEN.

Yet the Buſineſs of the *Aruſpices*, was not reſtrained to the Altars and Sacrifices, but they had an equal Right to the explaining all other Portents and Monſters. Hence we find them often conſulted by the Senate on extraordinary Occaſions: Or if the *Roman Aruſpices* lay under a Diſrepute, others were ſent from *Tuſcany*, where this Craft moſt flouriſhed, and was firſt invented.

The College of *Aruſpices*, as well as thoſe of the other Religious Orders, had their particular Regiſters and Records; ſuch as the Memorials of Thunders and Lightnings, the *Tuſcan* Hiſtories, and the like.

There are but two Accounts of the Derivation of the Name of the *Pontifices*, and both very uncertain; either from *Pons* and *facere*; becauſe they firſt built the *Sublician* Bridge in *Rome*, and had the Care of its Repair; or from *Poſſe* and *facere*, where *facere* muſt be interpreted to ſignify the ſame as *Offerre*, and *Sacrificare*. The firſt of theſe is the moſt received Opinion; yet *Plutarch* hath called it abſurd (*a*). At the firſt Inſtitution of them by *Numa*, the Number was confined to four, who were conſtantly choſen out of the Nobility; until the Year of the City 454, when five more were ordered to be added out of the Commons, at the ſame Time that the *Augurs* received the like Addition. And as the *Augurs* had a College, ſo the *Pontifices* too were ſettled in ſuch a Body. And as *Sylla* afterwards added ſeven *Augurs*, ſo he added as many *Pontifices* to the College: The firſt eight bearing the Name of *Pontifices majores*, and the reſt of *minores*.

The Office of the *Pontifices*, was to give Judgment in all Cauſes relating to Religion; to enquire into the Lives and Manners of the inferior Prieſts, and to puniſh them if they ſaw Occaſion; to preſcribe Rules for Public Worſhip; to

(*a*) In *Numa*.

regulate the Feasts, Sacrifices, and all other sacred Institutions. *Tully*, in his Oration to them for his House, tells them, that the Honour and Safety of the Commonwealth, the Liberty of the People, the Houses and Fortunes of the Citizens, and the very Gods themselves, were all entrusted to their Care, and depended wholly on their Wisdom and Management.

The Master, or Superintendent of the *Pontifices*, was one of the most honourable Offices in the Commonwealth. *Numa*, when he instituted the Order, invested himself first with this Dignity, as *Plutarch* informs us; though *Livy* attributes it to another Person of the same Name. The Definition *Festus* gives of this great Priest is, *Judex atque Arbiter Rerum Humanarum Divinarumque*, the Judge and Arbitrator of Divine and Human Affairs. Upon this Account all the Emperors, after the Examples of *Julius Cæsar*, and *Augustus*, either actually took upon them the Office, or at least used the Name. And even the *Christian* Emperors, for some Time, retained this in the ordinary Enumeration of their Titles; until the Time of *Gratian*, who (as we learn from (*a*) *Zosimus*) absolutely refused it.

Polydore Virgil (*b*) does not question but this was an infallible Omen of the Authority which the Bishop of *Rome* enjoys to this Day, under the Name of *Pontifex maximus*.

(*a*) *Histor.* lib. 4. (*b*) *De rerum invent.* lib. 4. c. 14.

CHAP. V.

Of the Flamines, Rex Sacrorum, Salii, Feciales, *and* Sodales.

THE Name of the *Flamines* is not much clearer than the former. *Plutarch* makes it a Corruption of *Pilamines* from *Pileus*, a Sort of Cap proper to the Order. *Varro*, *Festus*, and *Servius* will have it a Contraction of *Filamines*, from *Filum*; and tell us, finding that their Caps too heavy and troublesome, they took up a lighter Fashion, only binding a Parcel of Thread about their Heads. Others derive the Word from *Flamina* or *Flameum*, a Sort of *Turban*, which they make them to have worn; though this generally signifies a Woman's Veil. *Rosinus* and Mr. *Dodwell* declare for the second of these Opinions; *Polydore Virgil* has given his Judgment in Favour of the third (*a*).

(*a*) *De invent. rer.* lib. 4. cap. 14.

Numa

Numa at firſt diſcharged ſeveral Offices of Religion himſelf, and deſigned that all his Succeſſors ſhould do the like: But becauſe he thought the greateſt Part of them would partake more of *Romulus* his Genius than his own, and that their being engaged in War-like Enterprizes might incapacitate them for this Function, he inſtituted theſe *Flamines* to take care of the ſame Services, which by Right belonged to the Kings (*a*).

The only three conſtituted at firſt were the *Flamen Dialis*, *Martialis*, and *Quirinalis*. The firſt was ſacred to *Jupiter*; and a Perſon of the higheſt Authority in the Commonwealth. He was obliged to obſerve ſeveral ſuperſtitious Reſtraints, as well as honoured with ſeveral eminent Privileges beyond other Officers; which are reckoned up at large by *Gellius* (*b*). The ſame Author tells us, that the Wife of this *Flamen* had the Name of *Flaminica*, and was entruſted with the Care of ſeveral Ceremonies peculiar to her Place.

But it is certain, the Greatneſs of the Dignity was ſufficiently diminiſhed in ſucceeding Times; otherwiſe we cannot imagine, that *Julius Cæſar* would have been inveſted with it at ſeventeen Years of Age, as *Suetonius* (*c*) informs us he was: Or that *Sylla* would have driven him from his Office, and his Houſe.

The other two were of leſs, yet of very eminent Authority; ordained to inſpect the Rites of *Mars* and *Romulus*. All three were choſen from the Nobility. Several Prieſts of the ſame Order, though of inferior Power and Dignity, were added in latter Times; the whole Number being generally computed at fifteen. Yet *Feneſtella* (or the Author under his Name) aſſures us from *Varro*, that the old *Romans* had a particular *Flamen* for every Deity they worſhipped (*d*).

Though the *Flamen Dialis* diſcharged ſeveral religious Duties that properly belonged to the Kings, yet we meet with another Officer of greater Authority, who ſeems to have been wholly deſigned for that Employment: And this was the *Rex Sacrificulus*, or *Sacrorum*. *Dionyſius* gives us the Original of this Inſtitution as follows: *Becauſe the Kings had, in a great many Reſpects, been very ſerviceable to the State, the Eſtabliſhers of the Commonwealth thought it very proper to keep always the Name of King in the City. Upon this Account they ordered the* Augurs *and* Pontifices *to chuſe a fit Perſon, who ſhould engage never to have the leaſt Hand in Civil Affairs,*

(*a*) *Liv.* lib. 1. (*b*) *Noct. Att.* lib. 10. cap. 15. (*c*) Cap. 1.
(*d*) *De Sacerdotis*, cap. 5.

but devote himſelf wholly to the Care of the Public Worſhip and Ceremonies of Religion, with the Title of Rex Sacrorum (*a*). And *Livy* informs us, that the Office of *Rex Sacrorum* was therefore made inferior to that of *Pontifex Maximus*, leſt the Name of King, which had been formerly ſo odious to the People, might, notwithſtanding this Reſtraint, be ſtill, in ſome Meaſure, prejudicial to their Liberty (*b*).

Salii.] The Original of the *Salii* may be thus deduced from *Plutarch*. In the eighth Year of *Numa*'s Reign, a terrible Peſtilence, ſpreading itſelf over *Italy*, among other Places infeſted *Rome*. The Citizens were almoſt grown deſperate, when they were comforted on a ſudden by the Report of a Brazen Target, which, they ſay, fell into *Numa*'s Hands from Heaven. The King was aſſured by the Conference he maintained with the Nymph *Egeria* and the Muſes, that the Target was ſent from the Gods for the Cure and Safety of the City; and this was ſoon verified by the miraculous Ceaſing of the Sickneſs. They adviſed him too, to make eleven other Targets, ſo like in their Dimenſions and Form to the Original, that in Caſe there ſhould be a Deſign of ſtealing it away, the true might not be diſtinguiſhed or known from thoſe which were counterfeited; by which means it would be more difficult to defeat the Counſels of Fate, in which it had been determined, that, while this was preſerved, the City ſhould prove happy and victorious. This difficult Work one *Veterius Mamurius* very luckily performed, and made eleven others that *Numa* himſelf could not know from the firſt. They were worked into an Oval Form, with ſeveral Folds or Plaits cloſing one over another. They exactly fitted the Elbow by their Figure; and were thence called *Ancylia*, from Ἀγκύλη which ſignifies a crooked Javelin; or from the *Cubit*, Ἀγκὼν that Part of the Arm between the Wriſt and the Elbow, upon which they carried the *Ancylia* (*c*). For the keeping of theſe *Numa* inſtituted an Order of Prieſts, called *Salii*, *à ſaliendo*, from Leaping or Dancing. They lived in a Body, and compoſed a College, conſiſting of the ſame Number of Men with the Bucklers which they preſerved. The three Seniors governed the Reſt; of whom the firſt had the Name of *Præſul*; the ſecond of *Vates*; and the other of *Magiſter* (*d*). In the Month of *March* was their great Feaſt, when they carried their ſacred Charge about the City. At this Proceſſion, they were habited in a ſhort ſcarlet Caſſock, having round them a

(*a*) *Antiq.* lib. 5. (*b*) *Liv.* lib. 2. (*c*) *Plutarch.* in *Numa*. (*d*) *Alex. ab Alex.* lib. 1, cap. 26.

broad

broad Belt claſped with braſs Buckles. On their Head they wore a Sort of Copper Helmet. In this Manner they went on with a nimble Motion, keeping juſt Meaſures with their Feet, and demonſtrating great Strength and Agility by the various handſome Turns of their Body (*a*). They ſung by the Way a Set of old Verſes, called the *Carmen Saliare*; the original Form of which was compoſed by *Numa*. They were ſacred to *Mars*, (the *Ancylia*, or Targets, being Parts of Armour,) who from them took the Name of *Saliſubſulus:* And, therefore, on Account of the extraordinary Noiſe and Shaking that they made in their Dances, *Catullus*, to ſignify a ſtrong Bridge, has uſed the Phraſe,

In quo vel Saliſubſuli Sacra fiunto (*b*).

Unleſs the Conjecture of *Voſſius* be true, that *Saliſubſulus* is here a Corruption from *Salii ipſulis:* The Performers in thoſe Dances, bearing with them, among other ſuperſtitious Trifles, thin Plates worked into the Shapes of Men and Women, which they called *ipſiles*, or *ſubſiles*, and *ipſulæ*, or *ſubſulæ*. Upon admitting this Opinion, *Mars* muſt loſe his Name of *Saliſubſulus*; and *Pacuvius* cannot relieve him; becauſe the Verſe with this Word in it commonly cited from that old Poet, is thought (by *Voſſius* at leaſt) to be a mere Fiction of *Muretus*, who was noted for this Kind of Forgery. See *Voſſ.* in *Catul.* p. 46.

Though the Month of *March* (dedicated to that God) was the proper Time for carrying about the *Ancylia*; yet if at any Time a juſt and lawful War had been proclaimed by Order of the Senate, againſt any State or People, the *Salii* were, in a ſolemn Manner, to move the *Ancylia*; as if by that Means they rouſed *Mars* from his Seat, and ſent him out to the Aſſiſtance of their Arms (*c*).

Tullius Hoſtilius afterwards increaſed the College with twelve more *Salii*, in purſuance of a Vow he made in a Battle with the *Sabines*. And, therefore, for Diſtinction Sake, the firſt twelve were generally called *Salii Palatini*, from the *Palatine* Mountain, whence they begun their Proceſſion; the others *Salii Collini*, or *Agonenſes*, from the *Quirinal* Hill, ſometimes called *Mons Agonalis*; where they had a Chapel, on one of the higheſt Eminences of the Mountain (*d*).

Alexander ab Alexandro has obſerved, that the Entertainments of theſe Prieſts upon their ſolemn Feſtivals were very coſtly and magnificent, with all the Variety of Muſic, Garlands, Perfumes, &c. (*e*): And therefore *Horace* uſes *dapes Salia-*

(*a*) *Plutarch.* in *Num.* (*b*) *Catul. Carm.* 17. (*c*) *Alex. ab Alex.* lib. 1. cap. 26. (*d*) *Dionyſ. Halic.* lib. 3. (*e*) *Gen. Dier.* lib. cap. 26.

res

res (*a*) for delicate Meats, as he does *Pontificum cœnæ* (*b*) for great Regalio's.

Feciales.] The *Feciales Varro* derives from *Fides*, becauſe they had the Care of the public Faith in Leagues and Contracts. Others bring the Word *à fœdere faciendo*, on the ſame Account. Their Original in *Italy* was very antient. *Dion. Halicarnaſſus* finds them among the *Aborigines*, under the Name of σπονδόφοροι *libaminum latores:* And *Virgil* intimates as much in ſeveral Places. *Numa* firſt inſtituted the Order at *Rome* (*c*), conſiſting of twenty Perſons (*d*), choſe out of the moſt eminent Families in the City, and ſettled in a College. It is probable he ranked them among the Officers of Religion, to procure them the more Deference and Authority, and to make their Perſons more ſacred in the Commonwealth.

Their Office was to be the Arbitrators of all Controverſies relating to War and Peace; nor was it lawful on any Account to take up Arms, till they had declared all Means and Expedients that might tend to Accommodation to be inſufficient. In caſe the Republic had ſuffered any Injury from a foreign State, they diſpatched theſe *Feciales*, who were properly Heralds, to demand Satisfaction; who, if they could not procure Reſtitution, or juſt Return, calling the Gods to witneſs againſt the People and Country, immediately denounced War; otherwiſe they confirmed the Alliance that had been formerly made, or contracted a new one (*e*). But the Ceremonies, uſed upon both theſe Occaſions, will fall more properly under another Head. It is enough to obſerve here, that both the Affairs were managed by theſe Officers, with the Conſent of the Senate and People.

As to the *Pater Patratus*, it is not eaſy to determine whether he was a conſtant Officer, and the Chief of the *Feciales*; or a temporary Miniſter, elected on Account of making Peace, or denouncing War, which were both done by him. *Roſinus* makes him the conſtant Governor, or Maſter of the *Feciales* (*f*). *Feneſtella* (or the Author under his *Name*) a diſtinct Officer altogether (*g*). *Pomponius Lætus* (*h*) and *Polydore Virgil* (*i*) tell us, that he was only choſen by one of the *Feciales*, out of their own Body, upon ſuch Occaſions as we have juſt mentioned. The latter Opinion may be defended by the Authority of *Livy*, who, in Order to the Treaty with the *Albans* before the triple Combat of

(*a*) Lib. 1. *Od.* 37. (*b*) Lib. 1. *Od.* 14. (*c*) *Dionyſ. Livy.* (*d*) *Alex. ab Alex.* l. 5. c. 3. (*e*) *Plutarch. in Num.* (*f*) Lib. 3. cap. 21. (*g*) *De Sacerdot. Rom.* cap. 9. (*h*) *De Sacerdot. Rom.* cap. 6. (*i*) *De invent. Rer.* lib. 4. cap. 14.

the

the *Horatii* and *Curiatii*, makes one of the *Feciales* chuſe a *Pater Patratus* to perform that Ceremony (*a*). The Perſon intruſted with his Office muſt have been one who had a Father and a Son both alive; and therefore *Pater Patratus* is no more than a perfecter Sort of Father; as they imagined him to be, whoſe own Father was ſtill living after himſelf had been a Father for ſome Time. Perhaps too they might fancy him to be the fitteſt Judge in Affairs of ſuch Conſequence, who could ſee as well behind, as before him (*b*).

Though the Members of any Collegiate Body, and particularly the free Tradeſmen of the ſeveral Companies, are often called *Sodales*; yet thoſe who challenged that Name by Way of Eminence, were Religious Officers, inſtituted to take care of the Feſtivals and annual Honours of great Perſons deceaſed. The firſt of this Order were the *Sodales Titii*, created to ſuperviſe the Solemnities in Memory of *Tatius* the *Sabine* King. *Tiberius* founded a College of the ſame Nature, and gave the Members the Titles of *Sodales Auguſtales*; their Buſineſs was to inſpect the Rites paid to *Auguſtus Cæſar* after his Death; and to perform the ſame good Offices to the whole *Julian* Family, as the old *Sodales Titii* preſerved the ſacred Memorials of all the *Sabine* Race.

Afterwards we meet with the *Sodales Antoniniani*, *Helviani*, *Alexandrini*, &c. inſtituted on the like Accounts, but ſo reſtrained to the Service of the particular Emperors, that the *Antoniniani*, for Example, were divided into the *Pii*, *Lucii*, *Marci*, &c. according to the proper Name of the Prince on whoſe Honours they were to attend. *Vid.* Dodwell. *Prælect.* 1. *ad* Spartiani Hadrian. S. 5.

(*a*) Lib. 1. cap. 24. (*b*) *Plutarch.* in *Queſtion. Roman.*

CHAP. VI.

Of the VESTALS.

THE Inſtitution of the *Veſtal Virgins* is generally attributed to *Numa*; though we meet with the *Sacred Fire* long before, and even in the Time of *Æneas*. But perhaps *Numa* was the firſt who ſettled the Order, and built a Temple to the *Goddeſs* in *Rome* (*a*). Their Office was to attend

(*a*) *Virgil. Æneid.* lib. 2. *carm.* 297.

upon

upon the Rites of *Veſta*, the chief Part of it (*a*) being the Preſervation of the Holy Fire, which *Numa*, fancying Fire to be the firſt Principle of all Things, committed to their Charge. *Ovid* tells us, that they underſtood nothing elſe but Fire by *Veſta* herſelf.

Nec tu aliud Veſtam *quam vivam intellige flammam* (*b*).

Though ſometimes he makes her the ſame as the Earth.

———*Tellus* Veſtaque *numen idem eſt* (*c*).

Polydore Virgil reconciles the two Names, by obſerving that Fire, or the natural Heat by which all Things are produced, is encloſed in the Earth (*d*).

They were obliged to keep in this Fire with the utmoſt Care; and if it happened to go out, it was thought Impiety to light it at any common Flame, but they made uſe of the pure and unpolluted Rays of the Sun (*e*). Every Year, on the firſt of *March*, whether it had gone out or no, they always lighted it a-new (*f*). There were other Relics and Holy Things under their Care, of which we have very uncertain Accounts; particularly the famous *Palladium* brought from *Troy* by *Æneas*; for *Ulyſſes* and *Diomedes* ſtole only a counterfeit one, a Copy of the other, which was kept with leſs Care.

Dionyſius and *Plutarch* aſſure us, that *Numa* conſtituted only Virgins for this Service; and that the ſame Number remained ever after. And therefore a great Antiquary is certainly miſtaken, when he makes the Number increaſed to twenty (*g*).

They were admitted into this Society between the Years of ſix and ten; and were not properly ſaid to be elected or created, but *captæ*, taken; the *Pontifex Maximus* taking her that he liked by the Hand, and leading her, as it were by Force, from her Parents (*b*).

The chief Rules preſcribed them by their Founder, were to vow the ſtricteſt Chaſtity for the Space of thirty Years. The firſt ten they were only Novices, obliged to learn the Ceremonies, and perfect themſelves in the Duties of their Religion. The next ten Years they actually diſcharged the Sacerdotal Function; and ſpent the remaining ten in teaching and inſtructing others. After this Term was compleated, they

(*a*) *Plutarch & Dionyſius.* (*b*) *Faſt. 6. v.* 231. (*c*) *Faſt 6. v.* 460. (*d*) *De invent. Rer.* lib. 1. cap. 14. (*e*) *Plutarch.* in *Numa.* (*f*) *Alex. ab. Alex.* lib. 5. c. 12. *Macrob. Saturnal.* lib. 1. cap. 12. (*g*) *Alex. ab Alex. Ibid.* (*b*) *A. Gell.* lib. 1. cap. 22.

had

had Liberty to leave the Order, and chuſe any Condition of Life that beſt ſuited with their Inclinations; though this was counted unlucky, and therefore ſeldom put in Practice. Upon Commiſſion of any leſſer Faults, they were puniſhed as the *Pontifex Maximus* (who had the Care of them) thought fit. But if they broke their Vow of Virginity, they were conſtantly buried alive in a Place without the City-Wall, allotted for that peculiar Uſe (*a*), and thence called *Campus Sceleratus*, as *Feſtus* informs us.

But this ſevere Condition was recompenſed with ſeveral Privileges and Prerogatives. Whenever they went abroad, they had the *Faſces* carried before them (*b*), a Conſul, or the *Prætor*, being obliged to give them the Way (*c*). And if in their Walk they caſually lighted upon a Malefactor leading to Execution, they had the Favour to deliver him from the Hands of Juſtice, provided they made Oath that their Meeting was purely accidental, without any Compact or Deſign (*d*).

(*a*) *Plutarch.* in *Num.* (*b*) *Ibid.* (*c*) *Alex. ab. Alex.* lib. 5. cap. 12. (*d*) *Plutarch.* in *Num.*

CHAP. VII.

Of the Duumviri, Decemviri, *and* Quindecemviri, *Keepers of the* Sibylline *Writings: And of the* Corybantes, *or the Prieſts of* Cybele, *and the* Epulones.

THE Firſt of theſe Orders, famous only on Account of the Relics they preſerved, owe their Original to this Occaſion.

A ſtrange old Woman coming to *Tarquinius Superbus* with nine Books, which, ſhe ſaid, were the Oracles of the *Sybils*, proffered to ſell them. But the King making ſome Scruple about the Price, ſhe went away and burnt three of them; and returning with the ſix, aſked the ſame Sum as before. *Tarquin* only laughed at her, on which the old Woman left him once more; and after ſhe had burnt three others, came again with thoſe that were left, but ſtill kept to her old Terms. The King began now to wonder at her Obſtinacy, and thinking there might be ſomething more than

than ordinary in the Buſineſs, ſent for the *Augurs* to conſult what was to be done. They, when their Divinations were performed, acquainted him what a Piece of Impiety he had been guilty of, by refuſing a Treaſure ſent to him from Heaven, and commanded him to give whatever ſhe demanded for the Books that remained. The Woman received her Money, and delivered the Writings; and only, charging them by all Means to keep them ſacred, immediately vaniſhed. Two of the Nobility were preſently after choſe to be the Keepers of theſe Oracles, which were laid up with all imaginable Care in the *Capitol*, in a Cheſt under Ground. They could not be conſulted without a ſpecial Order of the Senate, which was never granted, unleſs upon the receiving of ſome notable Defeat; upon the riſing of any conſiderable Mutiny, or Sedition in the State; or upon ſome other extraordinary Occaſion (*a*); ſeveral of which we meet with in *Livy* (*b*).

They had the common Name of *Duumviri*, *Decemviri*, or *Quindecemviri*, *Sacris faciundis*.

The Number of Prieſts, in this, as in moſt other Orders, ſeveral Times altered. The *Duumviri* continued till about the Year of the City 388, when the Tribunes of the People preferred a Law, that there ſhould be ten Men elected for this Service, part out of the Nobility, and Part out of the Commons. We meet with the *Decemviri* all along from hence, till about the Time of *Sylla* the Dictator, when the *Quindecemviri* occur: Which Addition of five Perſons may, with good Reaſon, be attributed to him, who increaſed ſo many of the other Orders. It were needleſs to give any farther Account of the *Sybils*, than that they are generally agreed to have been ten in Number; for which we have the Authority of *Varro*; though ſome make them nine, ſome four, ſome three, and ſome only one (*c*). They all lived in different Ages and Countries, were all Propheteſſes; and, if we believe the common Opinion, foretold the coming of our Saviour. As to the Writing, *Dempſter* tells us, it was on Linen (*d*). But one would think the common Phraſe of *Folia Sibyllæ*, uſed by *Virgil*, *Horace*, and other credible Authors, ſhould argue, that they wrote their Prophecies on Leaves of Trees; eſpecially if we conſider the great Antiquity which is generally allowed them, and are aſſured at the ſame Time by *Pliny* (*e*), that this was the oldeſt Way of Writing.

(*a*) *Dionyſ. Antiq.* lib. 4. (*b*) Particularly lib. 3. cap. 10. lib. 5. cap. 13. lib. 7. cap. 28. lib. 4. cap. 21. (*c*) *Vid. Demſter. ad Roſin.* lib. 3. cap. 24. (*d*) *Ibid.* (*e*) Lib. 33. cap. 11.

Solinus

Solinus acquaints us, that these Books which *Tarquin* bought, were burnt in the Conflagration of the Capitol, the Year before *Sylla*'s Dictatorship (*a*). Yet there were others of their inspired Writings, or at least Copies or Extracts of them, collected in *Greece* and other Parts, upon a special Search made by Order of the Senate, which were kept with the same Superstition as the former, till about the Time of *Theodosius the Great*, when the greatest Part of the Senate having embraced the Christian Faith, such Vanities begun to grow out of Fashion; till at last *Stilicho* burnt them all under *Honorius*, for which he is so severely censured by the noble Poet *Rutilius*, in his ingenious *Itinerary*.

Nec tantum Geticis *grassatus proditor armis*,
Ante Sibylinæ *fata cremavit* Opis.
Odimus Althæam *consumpto funere torris*;
Nisæum *crinem flere putantur aves.*
At Stilicho *æterni fatalia pignora libri*,
Et plenas voluit præcipitare colus.

Nor only *Roman* Arms the Wretch betray'd
To barbarous Foes; before that cursed Deed,
He burnt the Writings of the sacred Maid.
We hate *Althæa* for the fatal Brand;
When *Nisus* fell, the weeping Birds complain'd:
More cruel he than the revengeful Fair;
More cruel he than *Nisus*' Murderer.
Whose impious Hands into the Flames have thrown
The heavenly Pledges of the *Roman* Crown,
Unrav'lling all the Doom that careful Fate had spun.

Among all the religious Orders, as we meet with none oftner in Authors, so there were none of such an extravagant Constitution as the Priests of *Cybele*. We find them under the different Names of (*b*) *Curetes*, *Corybantes*, *Galli*, and *Idæi Dactyli*; but can scarce get one tolerable Etymology of either. As for *Cybele* herself, she is generally taken for the Earth, and is the same with *Rhea*, *Ops*, *Berecynthia*, the *Idæan Mother*, the *Mother of the Gods*, the *Great Goddess*. She was invited and received into *Rome*, from *Pessinus* in *Galatia*, with great Solemnity, by the Advice of the *Sibylline* Oracles (*c*).

(*a*) *Polybistor.* c. 8. (*b*) *Vide Dionys. Antiq.* lib. 4. (*c*) *Liv.* lib. 29. c. 14.

But

But to return to her Prieſts: We find little of any Certainty about them, but that they were all Eunuchs, and by Nation *Phrygians*; and that in their ſolemn Proceſſions they danced in Armor, making a confuſed Noiſe with Timbrels, Pipes, and Cymbals, howling all the while like mad Men, and cutting themſelves as they went along. One would little think, that this was the Goddeſs, who required ſuch a ſacred Silence in her Myſteries as *Virgil* (*a*) would perſuade us ſhe did. And the beſt we could ſuppoſe at the Sight of this bawling Retinue, is, that they were going to ſettle a Swarm of Bees; for which Service the ſame Poet recommends the Uſe of the *Cymbals* of *Cybele* (*b*).

But we cannot have a better Relation of the Original, and the Manner of their ſtrange Solemnity, than what *Lucretius* has given us in his ſecond Book.

Hanc variæ gentes, antiquo more ſacrorum,
Idæam vocitant Matrem, Phrygiaſque *catervas*
Dant Comites; quia primum ex illis finibus edunt
Per terrarum orbem fruges cœpiſſe creari.
Gallos attribuunt, quia numen qui violârint
Matris, & ingrati genitoribus inventi ſunt,
Significare volunt indignos eſſe putandos,
Vivam progeniem qui in oras luminis edant.
Tympana tenta tonant palmis & cymbala circum
Concava, rauciſonoque minantur cornua cantu.
Et Phrygio *ſtimulat numero cava tibia mentes;*
Telaque præportant violenti ſigna furoris,
Ingratos animos, atque impia pectori volgi
Conterrere metu quæ poſſint numine divæ.
Hic armata manus (Curetas nomine Graii
Quos memorant Phrygios) *inter ſe fortè catervis*
Ludunt, in numerumque exſultant ſanguine læti; &
Terrificas capitum quatientes numine criſtas.
Dictæos referunt Curetas; qui Jovis illum
Vagitum in Cretâ quondum occultaſſe feruntur,
Cum pueri circum puerum pernice choreâ
Armati in numerum pulſarent æribus æra,
Ne Saturnus eum malis mandaret adeptus,
Æternumque daret matri ſub pectore vulnus.

Concerning her, fond Superſtition frames
A thouſand odd Conceits, a thouſand Names,
And gives her a large Train of *Phrygian* Dames:

(*a*) *Æneid.* 5. (*b*) *Georg.* 4.

Becauſe

Becauſe in *Phrygia* Corn at firſt took Birth,
And thence was ſcatter'd o'er the other Earth.
They caſtrate all their Prieſts; from whence 'tis ſhewn,
That they deſerve no Children of their own,
Who or abuſe their Sires, or diſreſpect,
Or treat their Mothers with a cold Neglect;
Their Mothers, whom they ſhould adore.——
Amidſt her Pomp fierce Drums and Cymbals beat,
And the hoarſe Horns with rattling Notes do threat,
The Pipe, with *Phrygian* Airs, diſturbs their Souls,
'Till Reaſon, overthrown, mad Paſſion rules.
They carry Arms, thoſe dreadful Signs of War,
To raiſe in th' impious Rout religious Fear.
Hear ſome in Arms dance round among the Crowd,
Look dreadful gay in their own ſparkling Blood,
Their Creſts ſtill ſhaking with a dreadful Nod.
Theſe repreſent thoſe armed Prieſts who ſtrove
To drown the tender Cries of Infant *Jove:*
By dancing quick, they made a greater Sound,
And beat their Armour as they danc'd around,
Leſt *Saturn* ſhould have found, and eat the Boy,
And *Ops* for ever mourn'd her prattling Joy.

CREECH.

But we muſt not omit a more comic, though ſhorter Account, that we have of them in *Juvenal:*

——*Matriſque Deûm chorus intrat, & ingens,*
Semivir obſcœno facies reverenda minori,
Mollia qui raptâ ſecuit genitalia teſta,
Jampridem cui rauca cohors, cui tympana cedunt
Plebeia——(*a*).

And *Cybele*'s Prieſts, an Eunuch at their Head,
About the Streets a mad Proceſſion led;
The venerable Gelding, large and high,
O'er-looks the Herd of his inferior Fry:
His aukward Prieſts about him madly prance,
And beat their Timbrels to their myſtic Dance.

DRYDEN.

The *Epulones*, at their firſt Creation, *Livy* (*b*) aſſures us, were only three: Soon after they were increaſed to ſeven;

(*a*) *Sat.* 6. (*b*) Lib. 33.

whence they are commonly called *Septemviri Epulonum*, or only *Septemviri*, or the *Septemviratus*; and ſome report that *Julius Cæſar*, by adding three more, changed them to a *Decemvirate*: though it is certain they kept their old Name. They had their Name from a Cuſtom which obtained among the *Romans*, in Time of public Danger, of making a ſumptuous Feaſt in their Temples, to which they did, as it were, invite the Deities themſelves. For their Statues were brought on rich Beds, with their *Pulvinaria* too, or Pillows, and placed at the moſt honourable Part of the Table as the principal Gueſts. Theſe *Regalio*'s they called *Epula*, or *Lectiſternia*; the Care of which belonged to the *Epulones*. This Prieſthood is by *Pliny Junior* ſet on an equal Foot with that of the *Augurs*; when, upon a Vacancy in each Order, he ſupplicates his Maſter *Trajan* to be admitted to either. The whole Epiſtle ought to be recited for an Example of Modeſty and Wit.

PLINIUS TRAJANO.

Cum ſciam, Domine, ad teſtimonium laudemque morum meorum pertinere tam boni principis judicio exornari, rogo, dignitati, ad quam me provexit indulgentia tua, vel auguratum, vel ſeptemviratum, quia vacant, adjicere digneris: ut jure ſacerdotii precari deos pro te publicè poſſim, quos nunc precor pietate privatâ.

CHAP. VIII.

Of the ROMAN *Sacrifices.*

THE Word *Sacrificium* more properly ſignifies the Thing offered, than the Action of Offering. The two common Words to expreſs the former, were *Victima* and *Hoſtia*; which though they are often confounded, yet by the firſt Word are properly meant the greater Sort of Sacrifices, by the other the leſs.

Though every Deity had ſome peculiar Rites and Inſtitutions, and conſequently different Sorts of Sacrifices, in which the greateſt Part of the public Worſhip then conſiſted; yet there were ſome ſtanding Rules and Ceremonies to be obſerved in all.

The Prieſt (and ſometimes the Perſon that offered the Victim) went before in a white Garment free from Spots and


Suouetaurilia
Sacerdotes qui populum lustrant
Victima percussa
Tubicines Citharœdi
Ministri cum cultris carne immolandi plenis
Pompa
Tubicines
Hostia Jugulata
Hastis exenterata
Haruspices
Camilli
ANTIQUORUM SACRIFICANDI RITUS
Pompæ Victimarij
Haruspices
Ministri Sacrorum

and Figures: For *Cicero* tells us, that White is the moſt acceptable Colour to the Gods; probably, becauſe it ſeems to denote Purity and Innocence.

The Beaſt to be ſacrificed, if of a larger Sort, uſed to be marked on the Horns with Gold; if of the leſſer Sort, it was crowned with the Leaves of that Tree which the Deity was thought moſt to delight in, for whom the Sacrifice was deſigned. And beſides theſe, they wore the *Infulæ* and *Vittæ*, a Sort of white Fillets, about their Head.

Before the Proceſſion went a public Crier, proclaiming *Hoc agè* to the People, to give them Notice that they ſhould forbear Working, and attend at the Solemnity. The Pipers and Harpers too were the Fore-runners of the Show; and what Time they could ſpare from their Inſtruments, was ſpent in aſſiſting the Crier to admoniſh the People. The Sacrifice being brought to the Altar, the Prieſt took hold of the Altar with one Hand, and uſhered in the Solemnity with a Prayer to all the Gods; mentioning *Janus* and *Veſta* always firſt and laſt, as if through them they had Acceſs to the Reſt. During the Prayer, ſome public Officer was to command the ſtricteſt Silence, for which the common Expreſſion was, *Favete Linguis*, a Phraſe uſed by *Horace* (*a*), *Juvenal* (*b*), *Tibullus* (*c*), &c. And the Piper played all the while, to hinder the hearing of any unlucky Noiſe. After his Prayer, the Prieſt began the Sacrifice with what they called *Immolatio*, (though, by *Synecdoche*, the Word is often taken for the whole Act of ſacrificing,) the throwing ſome Sort of Corn and Frankincenſe, together with the *Mola*, *i. e.* Bran or Meal mixed with Salt, upon the Head of the Beaſt. In the next Place, he ſprinkled Wine between the Horns; a Cuſtom often taken Notice of by the Poets. So *Virgil*:

Ipſa tenens dextrâ pateram pulcherrima Dido,
Candentis vaccæ media inter cornua fundit (*d*).

O'er the white Heifer's Horns the beauteous Queen
Holds the rich Plate, and pours the Wine between.

And *Ovid* more expreſsly:

Rode caper vitem; tamen hinc cum ſtabis ad aras,
In tua quod fundi cornua poſſit, erit (*e*).

Go, wanton Goat, about the Vineyard browze
On the young *Shoots*, and ſtop the riſing Juice;

(*a*) Lib. 3. *Od.* 1. (*b*) *Sat.* 12. (*c*) Lib. 2. *Eleg.* 1. (*d*) *Æneid.* 4. v. 60. (*e*) *Faſt.* 1.

You'll leave enough to pour between your Horns,
When for your Sake the hallow'd Altar burns.

But before he poured the Wine on the Beaſt, he put the Plate to his own Mouth, and juſt touched it with his Lips, giving it to thoſe that ſtood near him to do the like. This they termed *Libatio*.

In the next Place, he plucked off ſome of the rougheſt Hairs growing between the Horns of the Beaſt, and threw them into the Fire, as the *prima Libamina*.

Et ſummas capiens media inter cornua ſetas,
Ignibus imponit ſacris, libamina prima (*a*).

The briſtling Hairs that on the Forehead grew,
As the firſt Offering on the Fire he threw.

And now turning himſelf to the *Eaſt*, he only made a Sort of crooked Line with his Knife from the Forehead to the Tail; and then delivered the Beaſt to the public Servants to kill. We find theſe inferior Officers under the ſeveral Names of *Popæ*, *Agones*, *Cultrarii*, and *Victimarii*: Their Buſineſs, beſides the killing of the Beaſt, was to take off his Skin, to bowel him, and to waſh the whole Body. Then the *Aruſpex* his Duty came in Place, to ſearch the Entrails for good or bad Omens. When this was over, the Prieſts had nothing elſe to do but to lay what Parts they thought fitteſt for the Gods upon the Altar, and to go and regale themſelves upon the Reſt. *See* Alex. ab Alex. *Lib.* 4. *cap.* 17.

(*a*) *Æneid.* 6. v. 246.

CHAP. IX.

Of the ROMAN *Year.*

WE meet with three Accounts in Uſe at ſeveral Times among the *Romans*, which owe their Origin to *Romulus*, *Numa*, and *Julius Cæſar*. *Romulus* divided his Year into ten Months, which *Plutarch* would perſuade us had no certain or equal Term, but conſiſted ſome of twenty Days, ſome of thirty-five, and ſome of more (*a*). But he is generally allowed to have ſettled the Number of

(*a*) *Plut.* in *Num.*

Days

Days with a great deal more Equality; allotting to *March*, *May*, *Quintilis*, and *October*, one and thirty Days: To *April*, *June*, *Sextilis*, *November* and *December*, thirty, making up in all, three Hundred and four Days (*a*).

Scilicet arma magis quàm ſidera, Romule, *noras!*

Scaliger indeed is very angry that People ſhould think the *Romans* had ever any other Account than by twelve Months (*b*): But it is probable that the Teſtimonies of *Varro*, *Macrobius*, *Cenſorinus*, *Ovid*, &c. will over-rule the bare Words of *Licinius Macer*, and the Counterfeit *Feneſtella*, which are all he produces. As to the Names of *Romulus*'s Months, the firſt certainly was conſecrated to *Mars*, the Father of the State. The next too may be deduced from *Venus*, the other Guardian Parent of the *Romans*, if we admit of the Alluſion between the Word *Aprilis*, and Ἀφροδίτη her Name in *Greek*: though it is generally derived from *Aperio*, to open, becauſe this is the chief Part of the Spring, in which the Buds and Flowers open and diſcloſe themſelves (*c*). *May* he ſo named from *Maia* the Mother of *Mercury*, according to *Plutarch* (*d*); though *Macrobius* makes the *Maia* to whom *May* was dedicated, the ſame as *Rhea*, *Ops*, or the *Earth*, and different from *Mercury*'s Mother (*e*). *Ovid* brings it *à Senibus*, i. e. *à Majoribus* (*f*). *June* either comes from *Juventus*, becauſe this is the youthful and gay Part of the Year (*g*); or it is a Contraction of *Junonius*, and dedicated to the Goddeſs *Juno* (*h*). The other Months he denominated as they ſtood in Order: So *Quintilis* is no more than the fifth Month, *Sextilis* than the ſixth; and ſo on: But theſe two afterwards changed their Names to *July* and *Auguſt*, in Honour of *Julius Cæſar*, and his Succeſſor *Auguſtus*. As *Nero* had afterwards called *April Neronius* (*i*); ſo *Plutarch* tells us, that *Domitian* too, in Imitation of them, gave the two Months immediately following, the Names of *Germanicus* and *Domitianus*; but he being ſlain, they recovered their old Denominations (*k*).

Numa was ſomewhat better acquainted with the Celeſtial Motions than his Predeceſſor; and undertaking to reform the Kalendar, in the firſt Place he added the two Months of *January* and *February*; the firſt of which he dedicated to the God

(*a*) *Macrob. Saturn.* l. 1. cap. 12. *Cenſor. de die Natal.* c. 20. &c. (*b*) *De Emendat. Tempor.* l. 2. (*c*) *Plut.* in *Num.* *Macrob. Sat.* l. 1. c. 12. (*d*) In *Numa*. (*e*) *Sat.* l. 1, cap. 12. (*f*) *Faſt.* 1. v. 41. (*g*) *Plut.* in *Numa*. (*h*) *Macrob. ubi ſupra*. (*i*) *Suet.* in *Ner.* c. 55. (*k*) *Plut.* in *Numa*.

Janus; the other took its Name from *Februo*, to purify, becauſe the Feaſts of Purification were celebrated in that Month (*a*). To compoſe theſe two Months, he added fifty Days to the old three hundred and four, to make them anſwer the Courſe of the Moon; and then took ſix more from the ſix Months that had even Days, adding one odd Day more than he ought to have done, merely out of Superſtition, and to make the Number fortunate. However, he could get but eight and twenty Days for *February*; and therefore that Month was always counted unlucky (*b*). Beſides this, he obſerved the Difference between the Solar and the Lunar Courſe to be eleven Days; and to remedy the Inequality, he doubled thoſe Days; after every two Years adding an Interſtitial Month to follow *February*, which *Plutarch* calls in one Place *Mercidinus* (*c*) and in another *Mercidonius* (*d*). But the Care of this Intercalation being left to the Prieſts, they put in, or left out, the Month whenever they pleaſed, as they fancied lucky, or unlucky; ſo that the Feſtivals and ſolemn Days for Sacrifice were removed, by Degrees, till at laſt they came to be kept at a Seaſon quite contrary to what they had been formerly (*e*).

Julius Cæſar was the firſt that undertook to remedy this Diſorder; and for this Purpoſe he called in the beſt Philoſophers and Mathematicians of his Time, to ſettle the Point. In order to bring Matters right, he was forced to make one confuſed Year of fifteen Months, or four hundred forty-five Days; but to preſerve a due Regulation for the future, he took away the Intercalary Months; and adding ten Days to *Numa*'s three hundred fifty-five, equalled them to the Courſe of the Sun, except ſix odd Hours. The ten Days he diſtributed among thoſe ſeven Months that had before but nine-and-twenty; and as for the ſix Hours, he ordered them to be omitted till they made up a whole Day; and this every fourth Year he put in the ſame Place where the Month uſed to be inſerted before (*f*); and that was juſt five Days before the End of *February*, or next before the ſixth of the Kalends of *March*. For this Reaſon the ſupernumerary Day had the Name of *Dies Biſſextus*; and thence the Leap-Year came to be called *Annus Biſſextilis*.

But the Prieſts, who had been the Authors of the old Confuſion, committed as great a Blunder in the New Computation by interpoſing the Leap-Day at the Beginning of

(*a*) *Ibid.* (*b*) *Cenſorin. de die Natali. cap.* 20. (*c*) *In Numa.* (*d*) *In Jul. Cæſ.* (*e*) *In Jul. Cæſ.* (*f*) *Cenſorin.* cap 20.

every

every fourth Year inſtead of the End; till *Auguſtus Cæſar* brought it into the right Courſe again (*a*), in which it has continued ever ſince, and is followed by a great Part of *Europe* at this Day.

Yet becauſe there wanted eleven Minutes in the ſix odd Hours of *Julius*'s Year, the *Æquinoxes* and *Solſtices* loſing ſomething continually, were found, about the Year 1582, to have run back ten whole Days: For which Reaſon, Pope *Gregory* at that time undertook a new Reformation of the *Kalendar*, cutting off ten Days to bring them to their proper Places. This Account is called the *Gregorian* or *New-Style*, which is obſerved in many Parts of *Europe*, and took Place in *England*, by Virtue of an Act of Parliament for that Purpoſe, in the Year 1751.

(*a*) *Macrob. Sat.* lib. 1. cap. 14. *Sueton.* in *Auguſt.* cap. 14.

CHAP. X.

The Diſtinction of the ROMAN *Days.*

WHEN *Numa* divided the Year into twelve Months, he made a Diſtinction alſo in the Days, ranking them in theſe three Orders: *Dies feſti*, *Profeſti*, and *Interciſi*.

The firſt Sort was conſecrated to the Gods:

The ſecond allotted for the civil Buſineſs of Men:

The third divided between ſacred and ordinary Employments.

The *Dies Feſti* were ſet apart for the Celebration of theſe four Solemnities, *Sacrificia*, *Epulæ*, *Ludi*, and *Feriæ*.

Sacrificia, were no more than public Sacrifices to the Gods.

Epulæ, were a Sort of Banquets celebrated to the Honour of the Deities.

Ludi, were public Sports inſtituted with the ſame Deſign.

Feriæ, were either public or private.

The Public were of four Sorts, *Stativæ*, *Conceptivæ*, *Imperativæ* and *Nundinæ*.

Feriæ Stativæ, were public Feaſts kept by the whole City, according to the Time appointed in the *Kalendar* for their Obſervation; as the *Agonalia*, *Carmentalia*, *Lupercalia*, &c.

Feriæ Conceptivæ, were ſuch as the Magiſtrates, or Prieſts, appointed annually to be celebrated upon what Days they pleaſed, as the *Latinæ*, *Paganalia*, *Compitalia*, &c.

Feriæ Imperativæ, were ſuch as the Conſuls, Prætors, or Dictators, inſtituted by Virtue of their own Authority, and commanded to be obſerved upon ſolemn Occaſions, as the gaining of a Victory, and the like.

Nundinæ, were Days ſet apart for the Concourſe of the People out of the Country and neighbouring Towns, to expoſe their Commodities to Sale, the ſame as our greater Markets or Fairs. They had the Name of *Nundinæ* becauſe they were kept every ninth Day, as *Ovid* informs us (*a*). It muſt be obſerved, that though the *Nundinæ* at firſt were of the Number of the *Feriæ*, yet they were afterwards by a Law declared to be *Dies Faſti*; that the Country People might not be hindered in their Work, but might at the ſame Time perform their Buſineſs of Market and Sale, and alſo have their Controverſies and Cauſes decided by the *Prætor*; whereas otherwiſe they muſt have been forced to come to Town again upon the uſual Court-Days.

Feriæ Privatæ, were Holy-days obſerved by particular Perſons or Families upon ſeveral Accounts; as Birth-days, Funerals, and the like.

Thus much for the *Dies Feſti*.

The *Profeſti* were *Faſti*, *Comitiales*, *Comperendini*, *Stati*, and *Præliares*.

Dies Faſti were the ſame as our Court-Days; upon which it was lawful for the *Prætor* to ſit in Judgment, and conſequently *Fari tria verba*, to ſay the three ſolemn Words, *Do*, *Dico*, *Addico*, *I ſit here to give Laws*, *declare Right*, *adjudge Loſſes*. All other Days (except the *interciſi*) were called *Nefaſti*; becauſe it was not lawful to ſay thoſe three Words upon them, that is, the Courts were not open. But we may obſerve from a Phraſe of *Horace* (*b*), that *Dies nefaſtus* ſignifies an unlucky Day, as well as a Non-Court Day.

Dies Comitiales, were ſuch Days as the *Comitia*, or public Aſſemblies of the People were held upon: Or, as *Ovid* ſtiles them,

——*Queis populum jus eſt includere ſeptis* (*c*).

Days when the People are ſhut up to vote.

(*a*) *Faſt.* 1. *verſ.* 54. (*b*) Lib. 2. *Od.* 13. (*c*) *Faſt.* 1. *verſ.* 53.

Dies

Dies comperendini, were Days when Perſons that had been ſued might give Bail, properly *Days of Adjournment.*

Dies Stati, were Days appointed for the Deciſion of any Cauſe between a *Roman* and a Foreigner.

Dies Præliares, were ſuch Days upon which they thought it lawful to engage in an Action of Hoſtility: For, during the Time of ſome particular Feaſts, as the *Saturnalia*, the *Latinæ*, and that which they called *Cûm Mundus patet*, conſecrated to *Dis* and *Proſerpina*, they reckoned it a Piece of Impiety to raiſe, march, or exerciſe their Men, or to encounter with the Enemy, unleſs firſt attacked.

If we make a Diviſion of the *Roman* Days into Fortunate and Unfortunate; *Dies Poſtriduani*, or the next Day after the Kalends, Nones, or Ides, were always reckoned of the latter Sort; and therefore had the Name of *Dies Atri.*

A. Gellius gives us the Reaſon of this Obſervation from *Verrius Flaccus*, becauſe they had taken notice for ſeveral Ages that thoſe Days had proved unlucky to the State in the Loſs of Battles, Towns, and other Caſualties (*a*).

He tells us in the ſame Place, that the Day before the Fourth of the Kalends, Nones, or Ides, was always reckoned unfortunate; he does not know for what Reaſon, unleſs that he finds the great Overthrow at *Cannæ* to have happened on ſuch a Day.

(*a*) *Noct. Attic.* lib. 5. cap. 17.

CHAP. XI.

Of the Kalends, Nones, *and* Ides.

THE Method the *Romans* reckoned the Days of their Months was by the Kalends, Nones, and Ides. *Romulus* begun his Months always upon the firſt Day of the Moon, and was followed in this by the Authors of the other Accounts, to avoid the altering of the immoveable Feaſts. Therefore every new Moon, one of the inferior Prieſts uſed to aſſemble the People in the Capitol, and *call* over as many Days as there were between that and the Nones: And ſo from the old Word *Calo*, or the *Greek* καλέω, to call, the firſt of theſe Days had the Name of *Kalendæ*. But we muſt remember,

member, that this Cuſtom of *calling* the Days continued no longer than the Year of the City 450, when *C. Flavius*, the *Curule Ædile*, ordered the *Faſti*, or Kalendar, to be ſet up in public Places, that every Body might know the Difference of Times, and the Return of the *Feſtivals* (*a*).

The *Nones* were ſo called, becauſe they reckoned nine Days from them to the *Ides*.

The *Ides* were generally about the Middle of the Month; and we may derive the Word from *Iduare*, an obſolete Verb, ſignifying to divide.

The *Calends* were always fixed to the firſt Day of every Month; but the *Nones* and the *Ides* in four Months were on different Days than in the other eight. For *March*, *May*, *July*, and *October* had ſix *Nones* a-piece; the other only four. Therefore in the firſt, the *Nones* were the 7th, and the *Ides* the 15th; in the laſt, the *Nones* the 5th, and the *Ides* the 13th.

In reckoning theſe, they always went backwards, thus: *January* 1, was the *firſt of the Kalends* of *January*: *December* 31, *Prid. Kal. Jan. Decem.* 30. the third *Kal. Jan.* And ſo on to the 13th; and that was *Idus Decembris*; and then the 12th *Prid. Iduum Decemb.* the 11th, 3 *Iduum Decemb.* And ſo on to the 5th Day, and that was *Nonæ Decemb.* And then again the 4th *Prid. Nonarum Decemb.* the third 3 *Non. Decemb.* the ſecond 4 *Non. Decemb.* and the firſt *Kalendæ Decemb.*

We muſt obſerve, That when we meet with *Kalendas*, *Nonas*, or *Idus*, in the Accuſative Caſe, the Prepoſition *ante* is always underſtood: As *tertio Kalendas*, *Idus*, or *Nonas* is the ſame as *tertio die ante Kal. Non.* or *Idus*.

(*a*) *Liv.* lib. 5. cap. 46, &c.

CHAP. XII.

The moſt remarkable Feſtivals *of the* ROMANS, *as they ſtand in the* Kalendar.

THE Kalends, or the firſt Day of *January*, was noted for the entring of the Magiſtrates on their Office; and for the wiſhing of good Fortune, and ſending Preſents to one another among Friends (*a*).

(*a*) *Ovid. Faſt.* 1. v. 71.

The

The Ninth (or *quint.* Id.) was the Feaſt of the *Agonalia*, inſtituted by *Numa Pompilius*, in Honour of *Janus*, and attended with the ἀγῶνες, the ſolemn Exerciſes and Combats; whence, in *Ovid*'s Judgment (*a*), it took its Name.

The Eleventh (or *tert* Id.) was the Feaſt of the *Carmentalia*, in Memory of *Carmenta*, *Evander*'s Mother.

February the Fifteenth, or the Fifteenth of the Kalends of *March*, was the Feaſt of *Lupercalia*, when the *Luperci* made their wild Proceſſion (*b*) which has been deſcribed before.

February the Eleventh, or the third of the *Ides*, was the *Feralia*, or Feaſt in Honour of the Ghoſts; when People carried ſome little Sort of Offering to the Graves of their deceaſed Friends. *Ovid* gives the following beautiful Account of it.

Eſt honor & tumulis; animas placare paternas (*c*),
Parvaque in extructas munera ferre pyras:
Parva petunt manes: pietas pro divite grata eſt
Munere; non avidos Styx habet ima Deos.
Tegula porrectis ſatis eſt velata coronis;
Et ſparſæ fruges, parvaque mica ſalis.

Tombs have their Honours too: Our Parents crave
Some ſlender Preſent to adorn their Grave.
Slender the Preſent which the Ghoſts we owe;
Thoſe Powers obſerve not what we give, but how:
No greedy Souls diſturb the happy Seats below.
They only aſk a Tile with Garlands crown'd,
And Fruit and Salt to ſcatter on the Ground.

The Day after the *Feralia*, was the *Chariſtia*, or Feſtival of Love, when all the Relations in every Family met together and had a Feaſt.

On the 22d or 23d, (according to the different Length of this Month), were the *Terminalia*, ſacred to *Terminus*, the Guardian of Boundaries and Land-marks; on which they now offered to him Cakes and Fruits, ſometimes Sheep and Swine, notwithſtanding the antient Prohibition of bloody Sacrifices in this Caſe: the Reaſon of which Prohibition *Plutarch* (*d*)

(*a*) *Ovid. Faſt.* lib. 1. (*b*) *Ovid. Faſt.* 2. *v.* 267, &c. (*c*) *Ibid.* 533, &c.
(*d*) Quæſt. *Rom.*

ſup-

ſuppoſes to have been, leſt they ſhould violate the Tokens of Peace and Agreement, by ſtaining them with Blood.

The *Kalends* of *March* was the *Matronalia*, a Feaſt kept by the *Romàn* Matrons to the Honour of *Mars*; to whom they thought themſelves obliged for the Happineſs of bearing good Children; a Favour which he firſt conferred on his own Miſtreſs *Rhea* (*a*).

This Feaſt was the Subject of *Horace*'s Ode.

Martiis cœlebs quid agam Calendis, &c.

On the ſame Day began the ſolemn Feaſt of the *Salii*, and their Proceſſion with the *Ancylia*, which have been ſpoken of before.

The *Ides* of *March* was the Feaſt of *Anna Perenna*; in Honour either of the Siſter of *Dido*, who fled into *Italy* to *Æneas*; or of one *Anna* an old Woman, that in a great Dearth at *Rome*, for ſome Time furniſhed the common People with Corn out of her own Store. The Celebration of this Day conſiſted in Drinking and Feaſting largely among Friends. The common People met for this Purpoſe in the Fields near the *Tiber*, and building themſelves Booths and Arbors, kept the Day with all Manner of Sports and Feſtivity; wiſhing one another to live as they drank Cups (*b*).

The ſame Day was by a Decree of Senate ordered to be called *Parricidium*, for the Murder of *Julius Cæſar*, which happened on it (*c*). *Appian*, in his ſecond Book, tells us of a very different Law that *Dolabella* the Conſul would have preferred upon this Occaſion; and that was, to have the Day called ever after, *Natalis urbis* (the Birth-day of the City;) as if their Liberty had revived upon the Death of *Cæſar*.

March 19th, or the 14th of the *Kalends* of *April*, began the *Quinquatrus* or *Quinquatria*, the Feaſt of *Minerva*, continuing five Days. During this Solemnity the Boys and Girls prayed to the Goddeſs for Wiſdom and Learning, of which ſhe had the Patronage: To which Cuſtom *Juvenal* alludes:

Eloquium & famam Demoſthenis aut Ciceronis
Incipit optare, & totis Quinquatribus optat (*d*).

(*a*) *Ovid. Faſt.* 3. v. 233. (*b*) *Ibid.* v. 523, &c. (*c*) *Sueton, in Jul.* cap. 88. (*d*) *Sat.* 10.

To

To rival *Tully* or *Demoſthenes*,
Begins to wiſh in the *Quinquatrian* Days,
And wiſhes all the Feaſt———

At the ſame Time the Youths carried their Maſters their Fee, or Preſent, termed *Minerval*.

April the 19th, or the 13th of the Kalends of *May*, was the *Cerealia*, or Feaſt of *Ceres*, in which Solemnity the chief Actors were the Women. No Perſon that mourned was allowed to bear a Part in this Service; and therefore it is very remarkable, that upon the Defeat of *Cannæ*, there was ſuch an univerſal Grief in the City, that the Anniverſary Feaſt of *Ceres* was forced to be omitted (*a*).

April the 21ſt, or the eleventh of the Kalends of *May*, was the *Palilia*, or Feaſt of *Pales*, Goddeſs of Shepherds. This is ſometimes called *Parilia*, *à pariendo*, becauſe Prayers were then made for the Fruitfulneſs of the Sheep. *Ovid* tells us a very tedious Courſe of Superſtition that the Shepherds run through upon this Day. They always contrived to have a great Feaſt at Night; and when moſt of them were pretty merry, they concluded all with dancing over the Fires that they made in the Field with Heaps of Stubble (*b*).

The ſame Day was called *Urbis Natalis*, being the Day on which the City was built (*c*).

April the 25th, or the 7th of the Kalends of *May*, was the *Robigalia*, a Feaſt of the Goddeſs *Robigo*, or the God *Robigus*, who took Care to keep off the Mildew and Blaſting from the Corn and Fruit (*d*).

April 29th, or the 5th of the Kalends of *May*, was the *Floralia*, or Feaſt of *Flora*, Goddeſs of Flowers (*e*), when the public Sports were celebrated that will be hereafter deſcribed (*f*).

In the remaining Part of the Year we meet with no Feſtival of extraordinary Note, except the *Poplifugium* and the *Saturnalia*.

The Original of the famous *Nonæ Caprotinæ*, or *Poplifugium*, is doubly related by *Plutarch*, according to the two common Opinions. Firſt, becauſe *Romulus* diſappeared on that Day, when an Aſſembly being held in the *Palus Capreæ*,

(*a*) *Liv.* lib. 22. (*b*) *Ovid Faſt.* 4. v. 721. *&c.* (*c*) *Ibid.* v. 806. (*d*) *Ibid.* v. 901. (*e*) *Ibid.* v. 943. (*f*) *See* Book v. c. 7.

on

or *Goats-marſh*, on a ſudden happened a moſt wonderful Tempeſt, accompanied with terrible Thunder, and other unuſual Diſorders in the Air. The common People all fled away to ſecure themſelves; but after the Tempeſt was over, could never find their King (*a*).

Or elſe from *Caprificus*, a wild Fig-Tree; becauſe in the *Gallic* War a *Roman* Virgin, who was Priſoner in the Enemies Camp, taking the Opportunity when ſhe ſaw them one Night in a Diſorder, got up into a wild Fig-Tree, and holding out a lighted Torch towards the City, gave the *Romans* a Signal to fall on; which they did with ſuch good Succeſs as to obtain a conſiderable Victory *(b)*.

The Original of the *Saturnalia*, as to the Time, is unknown; *Macrobius* aſſuring us, that it was celebrated in *Italy* long before the building of *Rome* (*c*). The Story of *Saturn*, in whoſe Honour it was kept, every Body is acquainted with. As to the Manner of the Solemnity, beſides the Sacrifices and other Parts of Public Worſhip, there were ſeveral leſſer Obſervations worth our Notice. As firſt, the Liberty now allowed to Servants to be free and merry with their Maſters, ſo often alluded to in Authors. It is probable this was done in Memory of the Liberty enjoyed in the Golden Age under *Saturn*, before the Names of Servant and Maſter were known to the World. Beſides this, they ſent Preſents to one another among Friends: No War was to be proclaimed, and no Offender executed: The Schools kept a Vacation, and nothing but Mirth and Freedom was to be met with in the City. They kept at firſt only one Day, the 14th of the Kalends of *January*: But the Number was afterwards encreaſed to three, four, five, and, ſome ſay, ſeven Days (*d*).

(*a*) *Plutarch in Romulo.* (*b*) *Plutarch. in Romulo. & in Camillo.* (*c*) *Macrob. Saturn.* lib. 1. cap. 1. (*d*) *Lipſ. Saturnal.* lib. 1. cap. 3.

PART

PART II. BOOK III.

Of the Civil Government *of the* ROMANS.

CHAP. I.

Of the General Diviſion *of the* People.

ROMULUS as ſoon as his City was tolerably well filled with Inhabitants, made a Diſtinction of the People according to Honour and Quality; giving the better Sort the Name of *Patres*, or *Patricii*, and the reſt the common Title of *Plebei*. To bind the two Degrees more firmly together, he recommended to the *Patricians* ſome of the *Plebeians* to protect and countenance; the former being ſtyled *Patroni*, and the latter *Clientes*. The *Patrons* were always their *Clients* Counſellors in difficult Caſes, their Advocates in Judgments; in ſhort, their Adviſers and Overſeers in all Affairs whatever. On the other Hand, the *Clients* faithfully ſerved their *Patrons*, not only paying them all imaginable Reſpect and Deference, but if Occaſion required, aſſiſting them with Money towards the defraying of any extraordinary Charges. But afterwards, when the State grew rich and great, though all other good Offices continued between them, yet it was thought diſhonourable for the better Sort to take any Money of their Inferiors (*a*).

(*a*) *Vide Dionyſ.* lib. 2. *Liv.* b. 1. *Plutarch.* in *Romulo.*

The

The Diviſion of the People into the three diſtinct Orders of *Senators*, *Knights*, and *Commons*, took its Riſe about the Time of *Tarquin*'s Expulſion. The *Senators* were ſuch Perſons as had been promoted to ſit in the ſupreme Council of State, either out of the *Nobility* or *Commons*. If out of the latter Order, they had the Honour of a Gold Ring, but not of a Horſe kept at the public Charge, as *Manutius* hath obſerved. The *Knights* were ſuch Perſons as were allowed a Gold Ring and a Horſe at the public Charge. The *Commons* were all the reſt of the People, beſides theſe two Orders, including not only the inferior Populace, but ſuch of the Nobility as had not yet been elected *Senators*, and ſuch of the Gentry as had not a compleat Knight's Eſtate: For Perſons were admitted into the two higher Ranks according to their Fortunes; one that was worth eight hundred *Seſtertia*, was capable of being choſen *Senator*; one that had four hundred, might be taken into the *Equeſtrian* Order. *Auguſtus* afterwards altered the *Senatorian* Eſtate to twelve hundred *Seſterces*; but the *Equeſtrian* continued the ſame.

The three common Terms by which the Knights are mentioned in *Roman* Authors, are *Eques*, *Equeſtris ordinis*, and *Equeſtri loco natus*. Of which the two former are, in all Reſpects, the very ſame. But the latter is properly applicable to thoſe *Equites*, whoſe Fathers were of the ſame Order, but never attained the Senatorian Dignity: For if their Fathers had been Senators, they would have been ſaid to have been born of the Senatorian, and not of the Equeſtrian Rank (*a*).

When we find the *Optimates* and the *Populares* oppoſed in Authors, we muſt ſuppoſe the former to have been thoſe Perſons, of what Rank ſoever, who ſtood up for the Dignity of the chief Magiſtrates, and the rigorous Grandeur of the State; and who cared not if the inferior Members ſuffered for the Advancement of the commanding Powers. The latter we muſt take likewiſe for thoſe Perſons, of what Rank ſoever, who courted the Favour of the Commons, by encouraging them to ſue for greater Privileges, and to bring Things nearer to a Level. For it would be unreaſonable to make the ſame Diſtinction between theſe Parties, as *Sigonius* and others lay down, "That the *Po-*
"*pulares* were thoſe who endeavoured by their Words and
"Actions to ingratiate themſelves with the Multitude; and
"the *Optimates* thoſe who ſo behaved themſelves in all Af-

(*a*) *Vid. P. Manut. de Civ. Rom.* p. 5.

"fairs,

fairs, as to make their "Conduct approved by every good "Man." This Explication agrees much better with the Sound of the Words, than with the Senſe of the Things. For at this Rate, the *Optimates* and the *Populares* will be only other Terms for the Virtuous and the Vicious; and it would be equally hard in ſuch large Diviſions of Men, to acknowledge one Side to have been wholly honeſt, and to affirm the other to have been entirely wicked. I know that this Opinion is built on the Authority of *Cicero*; but if we look on him, not only as a prejudiced Perſon, but alſo as an Orator, we ſhall not wonder, that in diſtinguiſhing the two Parties, he gave ſo infamous a Mark to the Enemy's Side, and ſo honourable a one to his own. Otherwiſe, the Murderers of *Cæſar* (who were the *Optimates*,) muſt paſs for Men of the higheſt Probity; and the Followers of *Auguſtus*, (who were of the oppoſite Faction) muſt ſeem in general a Pack of profligate Knaves. It would therefore be a much more moderate Judgment, to found the Difference rather on Policy, than on Morality; rather on the Principles of Government, than of Religion and private Duty.

There was another common Diviſion of the People into *Nobiles*, *Novi*, and *Ignobiles*, taken from the Right of uſing Pictures, or Statues; an Honour only allowed to ſuch whoſe Anceſtors, or themſelves had born ſome *Curule* Office, that is, had been *Curule Ædile*, *Cenſor*, *Prætor*, or *Conſul*. He that had the Pictures or Statues of his Anceſtors, was termed *Nobilis*; he that had only his own, *Novus*; and he that had neither, *Ignobilis*. So that *Jus imaginis* was much the ſame Thing among them, as the Right of bearing a Coat of Arms among us; and their *Novus Homo* is equivalent to our upſtart Gentleman.

For a great while, none but the *Patricii* were *Nobiles*, becauſe no Perſon, unleſs of that ſuperior Rank, could bear any *Curule* Office. Hence in many Places of *Livy*, *Saluſt*, and other Authors, we find *Nobilitas* uſed for the *Patrician* Order, and ſo oppoſed to *Plebs*. But in After-times, when the Commons obtained a Right of enjoying thoſe *Curule* Honours, they by the ſame Means procured the Title of *Nobiles*, and left it to their Poſterity (*a*).

Such Perſons as were free of the City, are generally diſtinguiſhed into *Ingenui*, *Liberti*, and *Libertini*. The *Ingenui* were ſuch as had been born free, and of Parents that had been always free. *Liberti*, ſuch as had been actually made free themſelves.

(*a*) *Vid. Sigon. de Jur. Civ. Rom.* lib. 2. cap. 20.

The two common Ways of conferring Freedom, were by *Teſtament*, and by *Manumiſſion*. A Slave was ſaid to be free by *Teſtament*, when his Maſter, in Conſideration of his faithful Service, had left him free in his laſt Will: Of which Cuſtom we meet with Abundance of Examples in Hiſtorians.

Theſe Kind of *Liberti* had the Title of *Orcini*, becauſe their Maſters were gone to *Orcus*. In Alluſion to which Cuſtom, when, after the Murder of *Julius Cæſar*, a great Number of unworthy Perſons had thruſt themſelves into the Senate, without any juſt Pretenſions, they were merrily diſtinguiſhed by the Term of *Senatores Orcini* (*a*).

The Ceremony of *Manumiſſion* was thus performed: The Slave was brought before the Conſul, and in After-times before the *Prætor*, by his Maſter, who laying his Hand upon his Servant's Head, ſaid to the *Prætor*, *Hunc hominem liberum eſſe volo è manu emittere.* Then the *Prætor* laying a Rod upon his Head, called *Vindicta*, ſaid, *Dico eum liberum eſſe more Quiritum.* Hence *Perſius*,

Vindictâ poſtquam meus à Prætore receſſi.

After this the *Lictor* taking the Rod out of the *Prætor's* Hand, ſtruck the Servant ſeveral Blows on the Head, Face, and Back; and nothing now remained but *Pileo donari*, to receive a Cap in Token of Liberty, and to have his Name entered in the common Roll of Freemen, with the Reaſon of his obtaining that Favour.

There was a third Way of beſtowing Freedom, which we do not ſo often meet with in Authors; it was when a Slave by the Conſent and Approbation of his Maſter, got his Name to be inſerted in the *Cenſor's* Roll: Such a Man was called *liber cenſu*; as the two already mentioned were *liber teſtamento*, and *liber manumiſſione*.

(*a*) *Sueton.* in *Octav.* cap. 35.

CHAP.

CHAP. II.

Of the SENATE.

THE Chief Council of State, and, as it were, the Body of Magiſtrates, was the *Senate*; which as it has been generally reckoned the Foundation and Support of the *Roman* Greatneſs, ſo it was one of the earlieſt Conſtitutions in the Republic: For *Romulus* firſt choſe a hundred Perſons of the beſt Repute for Birth, Wiſdom, and Integrity of Manners to aſſiſt him in the Management of Affairs, with the Name of *Senatores*, or *Patres*, from their Age and Gravity; (*vel ætate, vel curæ ſimilitudine* Patres *appellabantur*, ſays *Saluſt.*) a Title as honourable, and yet as little ſubject to Envy, as could poſſibly have been pitched upon. After the Admiſſion of the *Sabines* into *Rome*, an equal Number of that Nation were joined to the former Hundred (*a*). And *Tarquinius Priſcus*, upon his firſt Acceſſion to the Crown, to ingratiate himſelf with the Commons, ordered another Hundred to be ſelected out of that Body, for an Addition to the *Senate* (*b*), which before had been filled with Perſons of the higher Ranks. *Sylla* the *Dictator* made them up above four hundred; *Julius Cæſar* nine hundred; and in the Time of the ſecond *Triumvirate*, they were above a thouſand; no Diſtinction being made with Reſpect to Merit or Quality. But this Diſorder was afterwards rectified by *Auguſtus*, and a Reformation made in the *Senate*, according to the old Conſtitution (*c*).

The Right of naming *Senators* belonged at firſt to the Kings; afterwards the *Conſuls* choſe, and referred them to the People for their Approbation: But at laſt, the *Cenſors* engroſſed the whole Privilege of conferring this Honour. He that ſtood firſt in the *Cenſor*'s Roll, had the honourable Title of *Princeps Senatus* (*d*): Yet the chief Magiſtrates, as the Conſuls, Dictator, *&c.* were always his Superiors in the Houſe.

Beſides the Eſtate of eight hundred, or, after *Auguſtus*, of twelve hundred *Seſtertia*, no Perſon was capable of this Dignity, but one that had already born ſome Magiſtracy in the Commonwealth. And that there was a certain Age

(*a*) *Dionyſ.* lib. 2. (*b*) *Idem*, lib. 3. (*c*) *Sueton.* in *Auguſt* cap. 35. (*d*) *Vid. A. Gell.* lib. 3. cap. 18.

(even in latter Times) required, is plain from the frequent Use of *Ætas Senatoria* in Authors. *Dion Cassius* positively limits it to five and twenty (*a*), which was the soonest Time any one could have discharged the *Quæstorship*, the first Office of any considerable Note: Yet we meet with many Persons promoted to this Order, without any Consideration had to their Years; as it usually happened in all other Honours whatever.

As to the general Title of *Patres Conscripti* given them in Authors, it was taken up as a Mark of Distinction, proper to those Senators who were added to *Romulus*'s Hundred, either by *Tarquinius Priscus*, or by the People upon the Establishment of the Commonwealth: But in After-times, all the Number were promiscuously styled *Patres*, and *Patres Conscripti* (*b*).

We may take a farther View of the Senators, considered all together as a Council or Body.

The Magistrates, who had the Power of assembling the *Senators*, were only the *Dictator*, the *Consuls*, the *Prætors*, the *Tribunes* of the Commons, and the *Interrex*. Yet upon extraordinary Occasions, the same Privilege was allowed to the *Tribuni Militum invested with Consular Power*, and to the *Decemviri*, created for the regulating the Laws; and the other Magistrates chosen upon some unusual Occasions. In the first Times of the State, they were called together by a public Crier; but when the City grew larger, an Edict was published to command their Meeting (*c*).

The Places where they assembled were only such as had been formerly consecrated by the *Augurs*, and most commonly within the City; only they made Use of the Temple of *Bellona* without the Walls, for giving Audience to foreign Ambassadors, and to such *Provincial* Magistrates as were to be heard in open *Senate*, before they entered the City; as when they petitioned for a Triumph, and the like Cases. *Pliny* too has a very remarkable Observation, that whenever the *Augurs* reported that *an Ox had spoke*, which we often meet with among the antient Prodigies, the *Senate* were presently to sit *sub Dio*, or in the open Air (*d*).

As to the Time of their Sitting, we must have Recourse to the common Distinction of *Senatus legitimus*, and *Senatus indictus*.

The former was when the *Senate* met of Course, upon such Days as the Laws or Custom obliged them to. These were

(*a*) Liv. 52. (*b*) Vid. *P. Manut.* de *Senat.* & *C. Sigon.* de Antiq. Jur. C. R.
(*c*) *P. Manut. de Senat. Rom.* (*d*) *Plin. Nat.* Hist. lib. 8. cap. 45.

the

the *Kalends*, *Nones*, and *Ides* in every Month, till the Time of *Auguſtus*, who confined them to the *Kalends* and *Ides*. In the Months of *September* and *October*, by an Order of the ſame Emperor, the *Senators* were diſcharged from their neceſſary Attendance; except ſo many of them as made a *Quorum*, or Number ſufficient, by Law, to diſpatch Buſineſs: And therefore all that Time they drew *Lots* for their *Appearance*, or *Excuſe*; as *Suetonius* informs us (*a*). We may obſerve from the ſame Author, that the *Ides* of *March* (called *Parricidium*, from the Murder of *Julius Cæſar* which happened on it) was particularly excepted; and a Decree paſſed, that the Senate ſhould never meet on that Day for the future (*b*).

Senatus Indictus, was a *Senate* called for the Diſpatch of any Buſineſs upon any other Day; except the *Dies Comitiales*, when the *Senators* were obliged to be preſent at the *Comitia*.

As ſoon as the *Senate* met, the *Conſul*, or other ſupreme Magiſtrate, in the firſt Place performed ſome divine Service, and then propoſed the Buſineſs to the Houſe: Both which Actions they called *referre ad Senatum* (*c*).

When he had opened the Cauſe, he went round in Order (beginning with the *Princeps Senatus*, and the *Deſigned Conſuls*) and aſked every Body's Opinion: upon which, all that pleaſed, ſtood up, and gave their Judgment upon the Point.

It is very remarkable, that when any *Senator* was aſked his Opinion, he had the Privilege of ſpeaking as long as he pleaſed, as well about other Concerns as about the Matter in Hand: And therefore when any particular Member had a Deſign to hinder the paſſing of any Decree, it was a common Practice to protract his Speech, till it was too late to make any Determination in the Houſe.

When as many as thought fit had given their Judgments at large, the ſupreme Magiſtrate made a ſhort Report of their ſeveral Opinions; and then, in Order to paſs their Decree, ordered the *Senators* to divide, one Party to one Side of the Houſe, and the oppoſite to the other. The Number being now told, the major Part determined the Caſe; and a *Senatus-Conſultum* was accordingly wrote by the public Notaries at the Feet of the chief Magiſtrate, being ſubſcribed by the principal Members that promoted it.

But in Caſes of little Concern, or ſuch as required Expedition, the Formality of aſking Opinions and debating the Buſineſs was laid aſide, and a Decree paſſed upon the bare Diviſion of the Houſe, and the counting the Numbers on both Sides.

(*a*) *In Octav.* cap. 35. (*b*) *Idem in Jul. Cæſ.* cap. 88. (*c*) *P. Manut. de Senat. Rom.*

This was called *Senatus-Conſultum per diſceſſionem factum*; the former ſimply *Senatus-conſultum* (*a*).

Julius Capitolinus ſpeaks of a Sort of *Senatus-conſulta*, not deſcribed by any other Author; which he calls *Senatus-conſulta tacita*; and tells us they were made in Reference to Affairs of great Secrecy, without the Admittance of the very public Servants; but all the Buſineſs was done by the Senators themſelves, after paſſing an Oath of Secrecy, till their Deſign ſhould be effected (*b*).

There were ſeveral Things that might hinder the paſſing of a Decree in the *Senate*; as in Caſe of an *Interceſſio*, or Interpoſing. This was commonly put in Practice by the *Tribunes* of the Commons, who reckoned it their Privilege: But it might be done too, by any Magiſtrate of equal Authority with him that propoſed the Buſineſs to the Houſe: Or elſe when the Number required by Law for paſſing any Bill was not preſent: For that there was ſuch a fixed Number is evident, though nothing of Certainty can be determined concerning it.

In both theſe Caſes, the Opinion of the major Part of the *Senators* was not called *Senatus-Conſultum*, but *Authoritas Senatus*; their *Judgment*, not their *Command*; and ſignified little, unleſs it was afterwards ratified, and turned into a *Senatus-Conſultum*, as uſually happened (*c*). Yet we muſt not take *Authoritas Senatus* in this Senſe, every Time we meet with it in Authors: For unleſs, at the ſame Time, there be mention made of an *Interceſſio*, it is generally to be underſtood, as another Term for a *Senatus-Conſultum*; and ſo *Tully* frequently uſes it: Sometimes both the Names are joined together; as the uſual Inſcription of the Decrees, was in theſe Initial Letters; S. C. A. i. e. *Senatus-Conſulti-Authoritas*.

Beſides theſe two Impediments, a Decree of Senate could not paſs after Sun-ſet, but was deferred till another Meeting.

From the Building of the City to the Year 304, the written Decrees were in the Cuſtody of the *Conſul*, who might diſpoſe of them as he thought proper, and either ſuppreſs or preſerve them: But then a Law paſſed, that they ſhould be carried for the future to the *Ædiles Plebis*, to be laid up in the Temple of *Ceres* (*d*): Yet we find, that afterwards they were for the moſt Part preſerved in the public Treaſury (*e*).

It may be farther obſerved, that beſides the proper *Senators*, any Magiſtrates might come into the Houſe during their

(*a*) *P. Manut. de Sen.* (*b*) *Jul. Capit. in Gordian.* (*c*) *P. Manut. de Sen.* (*d*) *Liv.* lib. 3. (*e*) *Vide Cicer. Philip.* 5. *Sueton.* in *Auguſt. Tacit. Annal.* 3.

Honour,

Honour, and they who had born any *Curule* Office, after its Expiration. But then none of those who came into the House purely upon Account of their Magistracy, were allowed the Privilege of giving their Judgments upon any Matter, or being numbered among the Persons who had Votes. Yet they tacitly expressed their Mind by going over to those *Senators* whose Opinions they embraced; and upon this Account they had the Name of *Senatores Pedarii.*

This gave Occasion to the Joke of *Laberius* the *Mimic,*

Caput sine lingua pedaria sententia est.

There was an old Custom too, in the Commonwealth, that the Sons of *Senators* might come into the House, and hear the Proceedings. This, after it had been abrogated by a Law, and long disused, was at last revived by *Augustus,* who in Order to bring in the young Noblemen sooner to the Management of Affairs, ordered that any *Senator*'s Son, at the Time of his putting on the *Toga Virilis,* should have the Privilege of using the *Latus Clavus,* and of coming into the Senate (*a*).

(*a*) *Sueton. in August.* cap. 38.

CHAP. III.

Of the general Divisions of the Magistrates; and of the Candidates for Offices.

NOT to speak of the different Forms of Government which obtained among the Romans, or to decide the Case of Pre-eminency between them, we may in the next Place take a short View of the chief Magistrates under them all. Of these we meet with many general Divisions; as in Respect of Time, *Magistratus ordinarii* and *extraordinarii*; with Reference to the Persons, *Patricii, Plebeii,* and *Mixti*; from their Quality, *Majores* and *Minores*; from their Manner of appearing in public, *Curules,* and *Non Curules*; and lastly, from the Place of their Residence, *Urbani,* and *Provinciales* (*a*). If we would take the clearest and most compendious Method, we must rank them according to the last Distinction, and describe in Order the most remarkable of the Civil Offices at Home and Abroad. But it will be expected, that we first give some Account of the Persons that stood *Candidates* for these Honours. They borrowed the Name

(*a*) *Lipsius de Magistrat.* cap. 17.

of *Candidati* from the *Toga Candida*, in which they were habited at the Time of their appearing for a Place. They wore this looſe Gown open and ungirded, without any cloſe Garment under it; which ſome interpret as done with Deſign to avoid any Suſpicion the People might have of Bribery and Corruption: But *Plutarch* (*a*) thinks it was either to promote their Intereſt the better, by ſuing in ſuch an humble Habit; or that ſuch as had received Wounds in the Service of their Country, might the more eaſily demonſtrate thoſe Tokens of their Courage and Fidelity; a very powerful Way of moving the Affections of the People. But he diſallows the Reaſon above-mentioned, becauſe this Cuſtom prevailed in *Rome* many Ages before Gifts and Preſents had any Influence on the public Suffrages; a Miſchief to which he attributes, in a great Meaſure, the Ruin of the Commonwealth.

They declared their Pretenſions generally about a Year before the Election; all which Time was ſpent in gaining and ſecuring Friends. For this Purpoſe, they uſed all the Arts of Popularity, making their Circuits round the City very often; whence the Phraſe, *Ambire Magiſtratum*, had its Riſe. In their Walks, they took the meaneſt Perſons by the Hands; and not only uſed the more familiar Terms of Father, Brother, Friend, and the like, but called them by their own proper Names. In this Service, they had uſually a *Nomenclator*, or *Monitor*, to aſſiſt them; who whiſpered every Body's Name in their Ears. For though *Plutarch* tells us of a Law which forbad any Candidate to make uſe of a Prompter; yet at the ſame time he obſerves, that *Cato* the Younger was the only Perſon who conformed to it, diſcharging the whole Buſineſs by the Help of his own Memory (*b*).

They had Reaſon to be very nice and cautious in the whole Method of their Addreſs and Canvaſs; for an Affront, or perhaps a Jeſt, put upon the moſt inconſiderable Fellow, who was Maſter of a Vote, might ſometimes be ſo far reſented by the Mob, as to turn the Election another Way. There is a particular Story told of *Scipio Naſica*, which may confirm this Remark: When he appeared for the Place of *Curule Ædile*; and was making his Circuit to increaſe his party, he lighted upon an honeſt, plain Countryman, who was come to Town, to give his Vote among the reſt, and finding, as he ſhook him by the Hand, that the Fleſh was very hard and callous, *Pry'thee, Friend*, (ſays he) *do'ſt uſe to walk upon thy Hands?* The Clown was ſo far from being pleaſed with

(*a*) *In Coriolan.* (*b*) *Plut. in Catone Uticenſ.*

this

this Piece of Wit, that he complained of the Affront, and loſt the Gentleman the Honour which he ſued for.

Such Perſons as openly favoured their Deſigns, have been diſtinguiſhed by the Names of *Salutatores*, *Deductores*, and *Sectatores* (*a*). The firſt Sort only paid their Compliments to them at their Lodgings in the Morning; and then took their Leave. The ſecond waited upon them from thence, as far as the *Forum*. The laſt compoſed their Retinue through the whole Circuit. *Pliny* has obliged us with a further Remark, that not only the Perſon who ſtood for an Office, but ſometimes too the moſt conſiderable Men of his Party, went about in the ſame formal Manner, to beg Voices in his Behalf: And therefore when he would let us know his great Diligence in promoting the Intereſt of one of his Friends, he makes uſe of the ſame Phraſes which are commonly applied to the Candidates themſelves; as, *Ambire domos*, *Prenſare amicos*, *Circumire ſtationes* (*b*), &c.

The Proceedings in the Elections will fall more properly under the Account of the Aſſemblies where they were managed.

(*a*) *Roſin.* lib. 7. cap. 8. (*b*) *Plin. Epiſt.* lib. 2. cap. 9.

CHAP. IV.

Of the CONSULS.

THE Conſular Office began upon the Expulſion of the *Tarquins*, in the Year of the City 244. There are ſeveral Derivations given of the Word; that of *Cicero*, *à Conſulendo* (*a*), is generally followed. Their Power was at firſt the ſame as that of the Kings, only reſtrained by Plurality of Perſons, and Shortneſs of Time: Therefore *Tully* calls it *Regium Imperium* (*b*), and *Regia Poteſtas* (*c*). In War they commanded in Chief over Citizens and Aſſociates; nor were they leſs abſolute in Peace, having the Government of the Senate itſelf, which they aſſembled or diſmiſſed at their Pleaſure. And though their Authority was very much impaired, firſt by the Tribunes of the People, and afterwards upon the Eſtabliſhment of the Empire; yet they were ſtill employed in conſulting the Senate, adminiſtring Juſtice, managing public Games, and the like; and had the Honour to characterize the Year by their own Names.

At its firſt Inſtitution this Honour was confined to the Nobility; but in the Year of the City 387, the Commons

(*a*) *Cicero de leg.* lib. 3. (*b*) *Ibid.* (*c*) *Idem de Petitione Conſulatus.*

obtained

obtained the Privilege of having one of their own Body always an Aſſociate in this Office. Sometimes indeed the Populace were ſo powerful, as to have both Conſuls choſe out of their Order; but generally ſpeaking, one was a Nobleman, and the other a Commoner.

No Perſon was allowed to ſue for this Office, unleſs he was preſent at the Election, and in a private Station; which gave occaſion to the Civil War between *Pompey* and *Cæſar*; as has been already obſerved. The common Age required in the Candidates was forty-two Years. This *Cicero* himſelf acquaints us with, if we allow a little Scope to his Way of Speaking, when he ſays that *Alexander the Great*, dying in his thirty-third Year, came ten Years ſhort of the Conſular Age (*a*). But ſometimes the People diſpenſed with this Law, and the Emperors took very little Notice of the Reſtraint.

The Time of the Conſuls Government, before *Julius Cæſar*, was always a complete Year: But he brought up a Cuſtom of ſubſtituting *Conſuls* at any Time for a Month or more, according as he pleaſed. Yet the *Conſuls*, who were admitted the firſt of *January*, denominated the Year, and had the Title of *Ordinarii*; the others being ſtyled *Suffecti* (*b*).

The chief Ornaments and Marks of their Authority were the white Robe edged with Purple, called *Prætexta*; which in After-times they changed for the *Toga Palmata*, or *Picta*, before proper only to ſuch Perſons as had been honoured with a Triumph; and the twelve *Lictors*, who went before one of them one Month, and the other the next, carrying the *Faſces* and the *Securis*, which, though *Valerius Poplicola* took away from the *Faſces*, yet it was ſoon after added again.

Their Authority was equal; only in ſome ſmaller Matters, he had the Precedency, according to the *Valerian* Law, who was oldeſt; and he, according to the *Julian* Law, who had moſt Children.

(*a*) Vid. *Ciceron. Philip.* 5. (*b*) *Vide Dio.* lib. 43. *Sueton. in Julio*, cap. 76, &c.

CHAP.

CHAP. V.

Of the Dictator *and his Maſter of Horſe.*

THE Office of *Dictator* was of very early Original: For the *Latins* entering into a Confederacy againſt *Rome* to ſupport *Tarquin*'s Cauſe after his Expulſion, the Senate were under great Apprehenſions of Danger, by Reaſon of the Difficulty they found in procuring Levies to oppoſe them: While the poorer Commons, who had been forced to run themſelves into Debt with the *Patricians*, abſolutely refuſed to liſt themſelves, unleſs an Order of Senate might paſs for a general Remiſſion. Now the Power of Life and Death being lately taken from the Conſuls by the *Valerian* Law, and Liberty given for an Appeal from them to the People, they could not compel any Body to take up Arms. Upon this Account they found it neceſſary to create a Magiſtrate, who for ſix Months ſhould rule with abſolute Authority even above the Laws themſelves. The firſt Perſon choſen to this Honour, was *Titus Largius Flavius*, about *A. U. C.* 253, or 255 (*a*).

This ſupreme Officer was called *Dictator*, either becauſe he was *Dictus*, named of the Conſul; or elſe from his dictating and commanding what ſhould be done (*b*). Though we ſometimes meet with the naming of a *Dictator* upon a ſmaller Account, as for holding the *Comitia* for the Election of Conſuls, the Celebration of public Games, the *fixing* the *Nail* upon *Jove*'s Temple, (which they called *clavum pangere*, and which was uſed in the Times of primitive Ignorance, to reckon the Number of the Years, and in the Times of latter Superſtition, for the averting or driving away Peſtilences and Seditions) and the like; yet the true and proper *Dictator* was he, who had been inveſted with this Honour upon the Occaſion of a dangerous War, Sedition, or any ſuch Emergency as required a ſudden and abſolute Command (*c*). And therefore he was not choſen with the uſual Formalities, but only named in the Night, *vivâ voce*, by the Conſul (*d*), and confirmed by the Divination from Birds (*e*). The Time aſſigned for the Duration of this Office was never lengthened, except out of mere Neceſſity: And as for the perpetual *Dictatorſhips* of *Sylla* and *Julius Cæſar*, they are

(*a*) *Dionyſ. Antiq.* lib. 5. *Liv.* lib. 2. (*b*) *Ibid.* (*c*) *Lipſ. de Magiſtrat.* cap. 17. (*d*) *Liv.* lib. 4. (*e*) *Cicero de Leg.* lib. 3.

con-

confeſſed to have been notorious Violations of the Laws of their Country. There were two other Confinements which the *Dictator* was obliged to obſerve. Firſt, he was never to ſtir out of *Italy*, for Fear he ſhould take Advantage of the Diſtance of the Place, to attempt any Thing againſt the common Liberty (*a*). Beſides this, he was always to march on Foot; only upon Account of a tedious or ſudden Expedition, he formally aſked leave of the People to ride (*b*). But ſetting aſide theſe Reſtraints, his Power was moſt abſolute. He might proclaim War, levy Forces, lead them out, or diſband them, without any Conſultation had with the Senate: He could puniſh as he pleaſed; and from his Judgment lay no Appeal (*c*); at leaſt not till in latter Times. To make the Authority of his Charge more awful, he had always twenty four Bundles of Rods, and as many Axes, carried before him in public, if we will believe *Plutarch* (*d*) and *Polybius* (*e*). Though *Livy* attributes the firſt Riſe of this Cuſtom to *Sylla* (*f*). Nor was he only inveſted with the joint Authority of both the *Conſuls*; (whence the *Grecians* called him Διϋπατος or *Double Conſul*;) but during his Adminiſtration, all other Magiſtrates ceaſed, except the Tribunes, and left the whole Government intruſted in his Hands (*g*).

This Office had the Repute to be the only Safeguard of the Commonwealth in Times of Danger, four hundred Years together: Till *Sylla* and *Cæſar* having converted it into a Tyranny, and rendered the very Name odious, upon the Murder of the latter, a Decree paſſed in the Senate, to forbid the Uſe of it upon any Account whatever for the future (*h*).

The firſt Thing the *Dictator* did, was to chuſe a *Magiſter Equitum*, or Maſter of the Horſe, (he himſelf being in antient Times, by a more general Name termed *Magiſter Populi*), who was to be his Lieutenant General in the Army, but could act nothing without his expreſs Order. Yet in the War with *Hannibal*, when the ſlow Proceeding of *Fabius Maximus* created a Suſpicion in the Commons, they voted, that *Minutius*, his Maſter of the Horſe, ſhould have an equal Authority with *Fabius* himſelf, and be, as it were another *Dictator* (*i*). The like was afterwards practiſed in the ſame War upon the Defeat at *Cannæ*, when the Dictator, *M. Junius*, being with the Army, *Fabius Buteo* was choſen a ſecond *Dictator* at *Rome*, to create new Senators for the

(*a*) *Dio. Hiſt.* lib. 36. (*b*) *Plut. in Fab. Max.* (*c*) *Dionyſ. Antiq.* lib. 8. (*d*) *In Fab. Max.* (*e*) *Hiſt.* lib. 3. (*f*) *Epitom.* lib. 89. (*g*) *Plut. in Fab. Max.* (*h*) *Dio.* lib. 44. *Appian.* lib. 3. (*i*) *Plutarch. in Fab. Max. Polybius* lib. 3.

ſupplying

ſupplying of their Places who had been killed in the Battle: Though as ſoon as ever the Ceremony was over, he immediately laid down his Command, and acted as a private Perſon (*a*).

There was another Expedient uſed in Caſes of extreme Emergency, much like this Cuſtom of creating a *Dictator*; and that was, to inveſt the Conſuls, and ſometimes the other chief Magiſtrates, as the Prætors, Tribunes, *&c.* with an abſolute and uncontroulable Power. This was performed by that ſhort yet full Decree of the Senate, *Dent operam Conſules*, &c. *ne quid Detrimenti capiat Reſpublica. Let the Conſuls*, &c. *take care that the Commonwealth ſuffer no Damage.*

(*a*) *Plutarch ibid.*

CHAP. VI.

Of the PRÆTORS.

THE Original of this Office, inſtituted in the Year of the City 389, was owing to two Occaſions: Partly becauſe the *Conſuls*, being very often wholly taken up with foreign Wars, found the Want of ſome Perſon to adminiſter Juſtice in the City; and partly becauſe the Nobility, having loſt their Appropriation of the Conſulſhip, were ambitious of procuring to themſelves ſome new Honour in its Room (*a*). At the firſt, only one was created, taking his Name *à præeundo*; and for the ſame Reaſon moſt of the old *Latins* called their Commanders *Prætores:* And the *Conſuls* are ſuppoſed to have uſed that Title at their firſt Inſtitution. *A. U. C.* 501. another *Prætor* was added; and then one of them applied himſelf wholly to the preſerving of Juſtice among the Citizens, with the Name of *Prætor Urbanus*, while the other appointed Judges in all Matters relating to Foreigners. But upon the taking in of *Sicily* and *Sardinia*, *A. U. C.* 520, two more *Prætors* were created, to aſſiſt the *Conſuls* in the *Government* of the *Provinces*; and as many more upon the entire Conqueſt of *Spain*, *A. U. C.* 551. *Sylla* encreaſed the Number to eight; *Julius Cæſar* firſt to ten, and then to ſixteen; the ſecond *Triumviri*, after an extravagant Manner, to ſixty-four.

(*a*) *Vide Liv.* lib. 7. *circa Princip.*

After

After this, ſometimes we meet with twelve *Prætors*, ſometimes ſixteen or eighteen; but in the Declenſion of the Empire they fell as low again as three.

When the Number of the *Prætors* was thus encreaſed, and the *Quæſtiones*, or Enquiries into Crimes, made perpetual, and not committed to Officers choſen upon ſuch Occaſions, the *Prætor Urbanus* (and, as *Lipſius* thinks, the *Prætor Peregrinus*,) undertook the Cognizance of private Cauſes, and the other *Prætors* that of Crimes. The latter therefore were ſometimes called *Quæſitores, quia quærebant de Crimine*; the firſt barely *jus dicebat*. Here we muſt obſerve the Difference between *jus dicere*, and *judicare*; the former relates to the *Prætor*, and ſignifies no more than the allowing an Action, and granting *Judices* for determining the Controverſy; the other is the proper Office of the *Judices* allowed by the *Prætor*, and denotes the actual hearing and deciding of a Cauſe (*a*).

(*a*) *P. Manut. de legibus*, p. 826.

CHAP. VII.

Of the CENSORS.

THE *Cenſus*, or Survey of the *Roman* Citizens and their Eſtates (from *Cenſeo*, to *rate*, or *value*) was introduced by *Servius Tullius*, the ſixth King, but without the Aſſignment of any particular Officer to manage it: And therefore he took the Trouble upon himſelf, and made it a Part of the Regal Duty. Upon the Expulſion of the *Tarquins*, the Buſineſs fell to the *Conſuls*, and continued in their Care, till their Dominions grew ſo large as to give them no Leiſure for its Performance. Upon this Account, it was wholly omitted ſeventeen Years together, till *A. U. C.* 311, when they found the Neceſſity of a new Magiſtracy for that Employment, and thereupon created two *Cenſors*: Their Office was to continue five Years, becauſe every fifth Year the the general Survey of the People uſed to be performed: But when they grew to be the moſt conſiderable Perſons in the State, for Fear they ſhould abuſe their Authority, *A. U. C.* 420, a Law paſſed, by which their Place was confined to a Year and a half; and therefore, for the future, though they were elected every five Years, yet they continued to hold the Honour no longer than the Time prefixed by that Law.

After

After the ſecond *Punick* War they were always created out of ſuch Perſons as had been *Conſuls*, though it ſometimes happened otherwiſe before. Their Station was reckoned more honourable than the Conſulſhip, though their Authority, in Matters of State, was not ſo conſiderable. And the Badges of the two Officers were the ſame; only that the *Cenſors* were not allowed the *Lictors* to walk before them, as the *Conſuls* had.

Lipſius divides the Duty of the *Cenſors* into two Heads; the Survey of the People, and the Cenſure of Manners. As to the former, they took an exact Account of the Eſtates and Goods of every Perſon, and accordingly divided the People into their proper *Claſſes* and *Centuries*. Beſides this, they took care of the public Taxes, and made Laws in Reference to them. They were Inſpectors of the public Buildings and Ways, and defrayed the Charges of ſuch Sacrifices as were made upon the common Account.

With Reſpect to the latter Part of their Office, they had the Power to puniſh an Immorality in any Perſon, of what Order ſoever. The *Senators* they might *expel the Houſe*; which was done by omitting ſuch a Perſon, when they called over the Names. *Senatu ejicere.*

The *Equites* they puniſhed by *taking away the Horſe* allowed them at the public Charge. *Equum adimere.*

The Commons they might either *remove* from a higher Tribe to a leſs honourable; or quite *diſable* them to give their Votes in the Aſſemblies; or ſet a *Fine* upon them to be paid to the Treaſury. And ſometimes when a *Senator*, or *Eques*, had been guilty of any notorious Irregularity, he ſuffered two of theſe Puniſhments, or all three at once. *Tribu movere.* *In Cæritum Tabulas referre, et ærarium facere.*

The greateſt Part of the *Cenſor*'s public Buſineſs was performed every fifth Year; when, after the Survey of the People, and Inquiſition into their Manners, taken antiently in the *Forum*, and afterwards in the *Villa Publica*, the *Cenſors* made a ſolemn *Luſtration*, or expiatory Sacrifice, in the Name of all the People. The Sacrifice conſiſted of a Sow, a Sheep, and a Bull, whence it took the Name of *Suovetaurilia*. The Ceremony of performing it they called *Luſtrum condere*; and upon this Account the Space of five Years came to be ſignified by the Word *Luſtrum*.

It

It is very remarkable, that if one of the *Cenſors* died, no Body was ſubſtituted in his Room till the next *Luſtrum*, and his Partner was obliged to quit his Office; becauſe the Death of a *Cenſor* happened juſt before the ſacking of *Rome* by the *Gauls*, and was ever after accounted highly ominous and unfortunate (*a*).

This Office continued no longer than to the Time of the Emperors, who performed the ſame Duty at their Pleaſure: And the *Flavian Family*, i. e. *Veſpaſian* and his Sons, took a Pride (as Mr. *Walker* (*b*) obſerves) to be called *Cenſors*, and put this among their other Titles upon their Coins. *Decius* the Emperor entered on a Deſign of reſtoring the Honour to a particular Magiſtrate, as heretofore, but without Succeſs (*c*).

(*a*) *Vide Liv.* lib. 4. c. 9. *Plut. Probl.* 59. (*b*) *of Coins and Medals.* (*c*) *Vide Trebell. Poll. in Decio.*

CHAP. VIII.

Of the QUÆSTORS.

THE Original of the *Quæſtors* (*à quærendo*, from getting in the Revenues of the State) *Dionyſius* (*a*) and *Livy* (*b*) place about *A. U. C.* 269. *Plutarch* indeed, with ſome ſmall Difference, refers their Inſtitution to the Time of *Valerius Poplicola*, when he allotted the Temple of *Saturn* for the Treaſury (to which Uſe it always ſerved afterwards,) and granted the People the Liberty of chooſing two young Men for the Treaſurers (*c*). This was the whole Number at the Beginning: But afterwards, two others were created, *A. U. C.* 332, to take care of the Payment of the Armies abroad, of the ſelling Plunder and Booty, *&c.* For which Purpoſe they generally accompanied the *Conſuls* in their Expeditions; and upon this Account were diſtinguiſhed from the other *Quæſtors*, by the Name of *Peregrini*, and gave them Occaſion to aſſume the Title of *Urbani*. This Number continued till the entire Conqueſt of *Italy*; and then it was again doubled, *A. U. C.* 439. The four that were now added, had their Reſidence with the *Proconſuls* and *Proprætors* in the *Provinces*, where they employed themſelves in regulating the Taxes and Cuſtoms due from thence to the State.

(*a*) Lib. 8. (*b*) Lib. 3. (*c*) *Plut. in Poplicol.*

Sylla

Sylla the *Dictator*, as *Tacitus* informs us (*a*), created twenty *Quæstors* to fill up the Senate; and *Dio* (*b*) mentions the creating of forty by *Julius Cæsar* upon the same Design.

The chief Offices of the *Quæstors* were the receiving, lodging, and attending Ambassadors; and keeping the Decrees of the Senate was appointed them by *Augustus* (*c*), which before had been under the Care of the *Ædiles* and *Tribunes*.

From hence came the two Offices of *Quæstor Principis*, or *Augusti*, called sometimes *Candidatus Principis*, described by *Brissonius* (*d*), and resembling the Office of our Secretary of State; and *Quæstor Palatii*, instituted by *Constantine the Great*; answering in most Respects to our Lord Chancellor. Perhaps we ought not here to make a Distinction of Offices; the *Quæstores Candidati* being honoured by *Constantine* with the new Title of *Quæstores Palatii*, and admitted to greater Trust, and more important Business (*e*).

The *Quæstorship* was the first Office any Person could bear in the Commonwealth, and might be undertaken at the Age of twenty-four or twenty-five Years.

(*a*) *Annal.* lib. 1. (*b*) lib. 43. (*c*) *Dio.* lib. 54. (*d*) *Select. Antiquitat.* lib. 1. cap. 16. (*e*) *Vid. Notit. Dignitat. Imp. Orient.* c. 73.

CHAP. IX.

Of the Tribunes *of the People.*

THIS Office owes its Origin to a Quarrel between the Nobility and Commons, about *A. U. C.* 260; when the latter making a Defection, could not be reduced into Order, till they had obtained the Privilege of chusing some Magistrates out of their own Body, for the Defence of their Liberties, and to interpose in all Grievances and Impositions of their Superiors (*a*). At first only two were elected; but three more were soon added; and about *A. U. C.* 297, the Number was made up ten, which continued ever after.

Their Authority was extraordinary; for, tho' at first they pretended only to be a Sort of Protectors of the Commons, and Redressers of public Grievances, yet afterwards they usurped the Power of doing almost whatever they pleased, having the Populace to back and support them: And therefore they assembled the People, preferred Laws, made Decrees, and executed them on the Magistrates themselves; and

(*a*) *Vide Dionys.* lib. 6. *Liv.* lib. 2. *&c.*

ſometimes commanded the very Conſuls to be carried to Priſon; and were the Authors of greater Animoſities between the Nobles and Commons, than they were at firſt created to appeaſe.

That which gained them the greateſt Security, was their Repute of being *Sacroſancti*, which they confirmed by a Law: So that it was reckoned the higheſt Impiety to offer them the leaſt Injury, or even interrupt them when they were ſpeaking. Their interpoſing in Matters determined by the Senate, or other Magiſtrates, was called *Interceſſio*, and was performed by ſtanding up, and pronouncing only one Word, *VETO*.

As for the Enſigns of their Office, they had no *Prætexta*, *Lictors*, or *Curule* Chair; and only a Sort of Beadle, whom they called *Viator*, went before them.

Sylla the *Dictator* was the firſt who dared put a Stop to the Encroachments of the *Tribunes*; but they ſoon recovered their Power, till the Time of the Emperors, who left them very little but the Name and Shadow of Magiſtrates: This they effected by ſeveral Means, particularly by obliging the People to confer the ſame Power and Authority on themſelves: Whence they were called *Tribunitiâ Poteſtate donati*: For they could not be directly *Tribuni*, unleſs their Family had been *Plebeian*.

CHAP. X.

Of the ÆDILES.

THE Commons had no ſooner prevailed with the Senate to confirm the Office of *Tribunes*, but they obtained farther the Privilege to chuſe yearly, out of their own Body, two more Officers, to aſſiſt thoſe Magiſtrates in the Diſcharge of ſome particular Services (*a*), the chief of which was the Care of public Edifices, whence they borrowed their Name. *Roſinus*, for Diſtinction's Sake, calls them *Ædiles Plebis*. Beſides the Duty mentioned above, they had ſeveral other Employments of leſſer Note; as to attend on the *Tribunes* of the People, and to judge ſome inferior Cauſes by their Deputation; to rectify the Weights and Meaſures, prohibit unlawful Games, and the like.

A. U. C. 389, two more *Ædiles* were elected out of the Nobility, to inſpect the public Games (*b*). They were called *Ædiles Curules*, becauſe they had the Honour of uſing the

(*a*) *Vid. Dionyſ.* lib. 6. (*b*) *Liv.* lib. 6. & 7.

Sella

Sella Curulis; the Name of which is generally derived *à curru* (*a*), becauſe they ſat upon it as they rode in their Chariots; but *Lipſius* fancies it owes its Name, as well as its Invention, to the *Curetes*, a People of the *Sabines*.

The *Curule Ædiles*, beſides their proper Office, were to take care of the Building and Reparation of Temples, Theatres, Baths, and other noble Structures; and were appointed Judges in all Caſes relating to the Selling or Exchanging of Eſtates.

Julius Cæſar, *A. U. C.* 710. added two more *Ædiles* out of the Nobility, with the Title of *Ædiles Cereales*, from *Ceres*; becauſe their Buſineſs was to inſpect the public Stores of Corn and other Proviſions; to ſuperviſe all the Commodities expoſed in the Markets, and to puniſh Delinquents in all Matters concerning buying and ſelling (*b*).

(*a*) Vide *A. Gell.* lib. 3. cap. 18. (*b*) Vide *Dio.* lib. 43. & *Pompon.* lib. 2. *F. de Orig. juris.*

CHAP. XI.

Of the DECEMVIRI.

ABout the Year of *Rome* 291, the People thinking themſelves highly wronged, that though they had freed themſelves from the Government of the Kings, yet the whole Deciſion of Equity and Juſtice ſhould lie in the Breaſt of the ſupreme Magiſtrates, without any written Statute to direct them; propoſed to the *Senate* by their *Tribunes*, that ſtanding Laws might be made for the Government of the City. The Affair was in Suſpenſe ſeveral Years; at laſt it was concluded to ſend Ambaſſadors to *Athens*, and other *Grecian* Cities, to make Collections from the beſt of their Conſtitutions for the Service of their Country in the new Deſign. Upon the Return of the Commiſſioners, the *Tribunes* claiming the Promiſe of the *Senate*, to allow them a new Magiſtracy for putting the Project in Execution, it was agreed, that ten Men out of the chief *Senators* ſhould be elected: That their Power ſhould be equal to that of the *Kings*, or *Conſuls*, for a whole Year: And, that in the mean Time, all other Offices ſhould ceaſe. The *Decemviri* having now taken the Government upon them, agreed that only one of them ſhould at any Time enjoy the *Faſces* and other *Conſular* Ornaments, ſhould aſſemble the *Senate*, confirm Decrees, and act in all Reſpects as ſupreme Magiſtrate. To

this Honour they were to ſucceed by Turns, till the Year was expired; and the reſt were obliged to differ very little in their Habits from private Perſons, to give the People the leſs Suſpicion of Tyranny and abſolute Government.

Having drawn up a Model from ſuch Laws as had been brought from *Greece*, and the Cuſtoms of their own Country, they expoſed it to the public View in ten Tables, Liberty being given for any Perſon to make Exceptions. Upon the general Approbation of the Citizens, a Decree paſſed for the Ratification of the new Laws, which was performed in the Preſence of the Prieſts and *Augurs*, in a moſt ſolemn and religious Manner.

This Year being expired, a farther Continuance of this Office was voted neceſſary, becauſe ſomething ſeemed to be ſtill wanting for perfecting of the Deſign. The *Decemviri*, who had procured themſelves the Honour in the new Election, quickly abuſed their Authority; and under Pretence of reforming the Commonwealth, ſhewed themſelves the greateſt Violators of Juſtice and Honeſty. Two more Tables indeed they added to the firſt, and ſo ſeemed to have anſwered the Intent of their Inſtitution: Yet they not only kept their Office the remaining Part of that Year, but uſurped it again the next, without any Regard to the Approbation of the *Senate*, or People. And though there was an Attempt made for putting a Stop to their Tyranny; yet they maintained their Power, till an Action of their chief Leader *Appius* gave a final Ruin to their Authority: For he, falling in Love with *Virginia*, the Daughter of a *Plebeian*, and proſecuting his Paſſion by ſuch unlawful Means, as to cauſe the killing of her by her own Father, (the Story of which is told at large by *Livy*), gave an Occaſion to a Mutiny in the Army, and a general Diſlike through the whole City; So that it was agreed in the *Senate*, to let the ſame Form of Government return, which was in Force at the Creation of the *Decemviri* (*a*).

(*a*) *Liv.* lib. 3. *Dionyſ.* lib. 8.

CHAP.

CHAP. XII.

Of the Tribunes *of the* Commons *being inveſted with* Conſular *Dignity and Power.*

UPON the Concluſion of the *Decemvirate*, the firſt *Conſuls* that were elected, appearing much to favour the Commons, gained ſuch an Aſcendency in the State, that within three Years, they had the Confidence to petition for the Privilege of being made capable of the Conſulſhip, which had been hitherto denied them. The *Patricians* violently oppoſed this Requeſt, having the appearance to ruin their Honour and Authority, and to bring all Perſons, of whatever Quality, upon the ſame Level. But a War breaking out at the ſame Time in the Confederate Countries, which the *Romans* were obliged to aſſiſt, the *Conſuls*, by Reaſon of the Diſſentions upon this Account in the City, could not with all their Diligence procure any Levies to be made, becauſe the *Tribunes* of the Commons oppoſed all their Orders, and would let no Soldiers be enliſted, until their Petition had been canvaſſed in the *Senate*. In this Exigency the *Fathers* were called together; and after the Affairs had been a long Time debated with great Heat and Tumult, at laſt formed this Expedient; that three Magiſtrates ſhould be elected from each Order, who being inveſted with the whole *Conſular* Power, at the End of the Year, it ſhould be in the Power of the Senate and People to have that Office, or *Conſuls* for the following Year.

Both Parties readily embraced this Propoſal, and proceeded to an Election; where, though the whole Deſign had been only to increaſe the Honour of the Commons, yet when the Matter came to be put to the Vote, they choſe none of that Order to the new Magiſtracy, but conferred the Honour on three of the moſt eminent *Patricians*, with the Title of *Tribuni Militum Conſulari Poteſtate*, about *A. U. C.* 310.

The firſt *Tribunes* having held their Dignity no longer than ſeventy Days, were obliged to quit it, by Reaſon that the *Augurs* had diſcovered ſome Flaw in their Election; and ſo the Government returned to its former Courſe, the Supreme

Command reſting in the Hands of the *Conſuls* (*a*). Afterwards they were ſome Years choſen, and ſome Years paſſed by, having riſen from three to ſix, and afterwards to eight, and the *Plebeians* being admitted to a Share in the Honour; till about *A. U. C.* 388, they were intirely laid aſide.

(*a*) *Liv.* lib. 4. *Dionyſ.* lib. 11.

CHAP. XIII.

Civil Officers of leſs Note, or of leſs frequent Occurrence in Authors, together with the public Servants.

THERE are ſeveral Officers not yet mentioned, who deſerve little more than to be named; ſome by Reaſon of their low Station in the Commonwealth, others becauſe they are very ſeldom mentioned in our *Claſſics*. Among whom we may take notice of theſe that follow.

Interrex, the ſupreme Magiſtrate, who governed between the Death of one King, and the Election of another. This Office was taken by Turns by the *Senators*, continuing in the Hands of every Man five Days (*a*), or, if we may credit *Plutarch* (*b*), only twelve Hours at a Time. We ſometimes meet with an *Interrex* under the *Conſular* Government, created to hold Aſſemblies, when the ordinary Magiſtrates were either abſent, or diſabled to act by Reaſon of their undue Election.

Tribunus, or *Præfectus Celerum*; the Captain of *Romulus*'s Life-Guard; which conſiſted of three hundred of the ſtouteſt young Men, and of the beſt Families in the City, under the Name of *Celeres*, or Light-Horſe. After the Expulſion of the Kings, the *Magiſter Equitum* held the ſame Place and Command under the *Dictators*, and the *Præfectus Prætorio* under the Emperors.

Præfectus Urbis; a Sort of Mayor of the City, created by *Auguſtus*, by the Advice of his Favourite *Mæcenas*, upon whom firſt he conferred that Honour (*c*). He was to precede all other City Magiſtrates, having Power to receive Appeals from the inferior Courts, and to decide almoſt all Cauſes within the Limits of *Rome*, or an hundred Miles

(*a*) *Dionyſ.* l. 2. *Liv.* l. 1. (*b*) *In Numa.* (*c*) *Dio.* l. 52. *Tacit. Annal.* 4, 5.

round.

round. Before this, there was sometimes a *Præfectus Urbis* created, when the Kings or greater Officers were absent from the City, to administer Justice in their Room (*a*).

Præfectus Ærarii: An Officer chose from such Persons as had discharged the Office of *Prætor*, by *Augustus*, to supervise and regulate the public Fund, which he raised for the Maintenance of the Army (*b*). This Project was revived by several of his Successors.

Præfectus Prætorio: Created by the same Emperor, to command the *Prætorian Cohorts*, or his Life-Guard, who borrowed their Name from the *Prætorium*, or General's Tent, all Commanders in Chief being antiently stiled *Prætores*. His Office answered to that of the *Magister Equitum* under the old *Dictators*; only his Authority was of greater Extent, he being generally the highest Person in Favour with the Army. And therefore when the Soldiers once came to make their own Emperors, the Man they generally elected was the *Præfectus Prætorio*.

Præfectus Frumenti, and *Præfectus Vigilum*, both owe their Institution also to *Augustus*. The first was to inspect and regulate the Distribution of Corn among the common People. The other commanded in Chief all the Soldiers appointed for a constant Watch to the City, being a *Cohort* to every two *Regions*. His Business was to take Cognizance of Thieves, Incendiaries, Vagrants, and the like; and had the Power to punish all petty Misdemeanors which were thought too trivial to come under the Care of the *Præfectus Urbis*.

In many of these inferior Magistracies, several Persons were joined in the Commission together; and then they took their Name from the Number of Men that composed them. Of this Sort we meet with the

Triumviri, or *Tresviri Capitales*: The Keepers of the public Goal. They had the Power to punish Malefactors, like our Masters of the Houses of Correction; for which Service they kept eight *Lictors* under them; as may be learned from *Plautus*;

Quid faciam nunc si Tresviri me in carcerem compegerent?
Inde cras è promptuariâ cellâ depromar ad flagrum:
Ita quasi incudem me miserum octo homines validi cœdent (*c*).

Triumviri Nocturni: Mentioned by *Livy* (*d*) and *Tacitus* (*e*) instituted for the Prevention of Fires in the Night.

(*a*) *Ibid.* (*b*) *Dio.* l. 55. (*c*) *In Amphtir.* (*d*) Lib. 9. (*e*) *Annal.* lib. 5.

Triumviri Monetales: The Maſters of the Mint: Sometimes their Names were wrote *Triumviri A. A. Æ. F. F.* ſtanding for *Auro, Argento, Ære, Flando, Feriendo.*

Quatuorviri Viarum curandarum; Perſons deputed by the *Cenſor* to ſuperviſe the public Ways.

Centumviri, and *Decemviri Litibus judicandis*; The firſt were a Body of Men choſen, three out of every Tribe, for the judging of ſuch Matters as the *Prætors* committed to their Deciſion; which are enumerated by *Cicero* in his firſt Book *De Oratore.* The *Decemviri* ſeem to have been the principal Members of the *Centumvirate*, and to have preſided over the *Prætor* in the *Judicia Centumviralia.* Theſe were ſome of the firſt Steps to Preferment, for Perſons of Parts and Induſtry; as was alſo the *Vigintiviratus*, mentioned by *Cicero*, *Tacitus*, and *Dion*; which, perhaps, was no more than a ſelect Part of the *Centumviri.* The proper Sign of Authority, when theſe Judges acted, was ſetting up a *Spear* in the *Forum.*

Seu trepidos ad jura decem citat haſta virorum,
Seu firmare jubet centeno judice cauſam. LUCAN.

The learned *Grævius* obſerves, that a *Spear* was the common Badge and Enſign of Power among the Antients, and therefore given to the Gods in their Statues, and to Kings and Princes till it was ſucceeded by the *Sceptre* (*a*). A *Spear* was likewiſe ſet up at the Collections of the Taxes by the *Cenſors*; and at all *Auctions*, public or private, to ſignify that they were done by a lawful Commiſſion: Whence the Phraſe, *Sub haſtâ vendi.*

There were other Officers of as little Note, who had no fixed Authority, but were conſtituted upon ſome particular Occaſions: Such as the

Duumviri Perduellionis, ſive Capitales, Officers created for Judging Traitors. They were firſt introduced by *Tullus Hoſtilius*, continued as often as Neceſſity required, under the reſt of the Kings, and ſometimes under the *Conſular* Government, at its firſt Inſtitution. But after they had been laid down many Years, as unneceſſary, *Cicero*, in the latter Times of the Commonwealth, complains of their Revival by *Labienus*, Tribune of the Commons (*b*).

Quæſtores, or *Quæſitores Parricidii, vel Rerum Capitalium*; Magiſtrates choſen by the People to give Judgment in capital

(*a*) *Prefat.* II. *Tom. Theſaur. Antiq. Rom.* (*b*) *Cicero Orat. pro C. Rabirio Perduellionis Reo.*

Caſes,

Caſes, after the *Conſuls* were denied that Privilege, and before the *Quæſtiones* were made *perpetual.*

The public Servants of the Magiſtrates had the common Name of *Apparitores*, from the Word *Appareo*, becauſe they always ſtood ready to execute their Maſters Orders. Of theſe, the moſt remarkable were the

Scribæ; a Sort of public Notaries, who took an Account of all the Proceedings in the Courts: In ſome Meaſure too they reſembled our Attornies, as they drew up the Writings which were produced before the Judges; *Notarius* and *Actuarius* ſignifying much the ſame Office.

Accenſi and *Præcones*, the public Criers, who were to call Witneſſes, ſignify the Adjournment of the Court, and the like. The former had the Name from *Accieo*, and the other from *Præcieo*. The *Præcones* ſeem to have had more Buſineſs aſſigned them than the *Accenſi*; as, the proclaiming Things in the Street; the aſſiſting at the public Sales, to declare how much every one bids: Whereas the *Accenſi* more nearly attended on the Magiſtrates; and at the Bench of *Juſtice*, gave notice, every three Hours, what Time of the Day it was.

Lictores; the Serjeants, or Beadles, who carried the *Faſces* before the ſupreme Magiſtrates; as the *Interreges*, *Dictators*, *Conſuls* and *Prætors*. Beſides this, they were the public Executioners in Scourging and Beheading.

The *Lictors* were taken out of the common People; whereas the *Accenſi* generally belonged to the Body of the *Libertini*, and ſometimes to that of the *Liberti* (*a*).

The *Viatores* were little different from the former; only that they went before the Officers of leſs Dignity, and particularly before the *Tribunes* of the Commons.

In antient Times they were employed in calling the *Senators* from the Country, whence *Tully* in his *Cato Major* derives their Name; as if they were to attend about the Roads and Parks, and to collect an Aſſembly of Rural Fathers, who perhaps were then employed in driving their Cattle, or keeping their Sheep.

We muſt not forget the *Carnifex*, or common Hangman, whoſe Buſineſs lay only in Crucifixions. *Cicero* obſerves concerning him; That by Reaſon of the Odiouſneſs of his Office, he was particularly forbid by the Laws to have his Dwelling-Houſe within the City (*b*).

(*a*) *Vid. Sigon. de Antiq. Jur. Civ. Rom.* lib. 2. cap. 15. (*b*) *Cicero pro Rabirio.*

CHAP.

CHAP. XIV.

Of the Provincial Magiſtrates; and firſt of the PROCONSULS.

THE Chief of the Provincial Officers were the *Proconſuls*. Whether the Word ought to be written *Proconſul*, and declined, or *Proconſule*, and undeclined,

Grammatici certant, & adhuc ſub judice lis eſt.

We may divide theſe Magiſtrates into four Sorts;

Firſt, ſuch as being *Conſuls*, had their Office prolonged beyond the Time prefixed by Law.

Secondly, Such as were inveſted with this Honour, either for the Government of the Provinces, or the Command in War, who before were only in a private Station.

Thirdly, Such as immediately upon the Expiration of their *Conſulſhip*, went *Proconſuls* into the Provinces, in the Time of the Commonwealth.

Fourthly, Such Governors, as in the Times of the Empire, were ſent into thoſe Provinces which fell to the Share of the People.

Proconſuls of the two former Sorts we meet with very rarely; only *Livy* gives us an Example of each (*a*).

The third Kind more properly enjoyed the Name and Dignity, and therefore deſerve to be deſcribed at large, with Reference to their Creation, Adminiſtration, and Return from their Command.

They were not appointed by the People; but when at the *Comitia Centuriata* new *Conſuls* were deſigned for the following Year, one of the preſent *Conſuls* propoſed to the *Senate* what Provinces they would declare *Conſular*, and what *Prætorian*, to be divided among the *deſigned Conſuls* and *Prætors*. According to their Determination, the *deſigned Conſuls* or *Conſuls elect*, preſently agreed what Provinces to enter upon at the Expiration of their Office in the City, the Buſineſs being generally decided by caſting Lots.

Afterwards, in the Time of their *Conſulſhip*, they formerly got leave of the People to undertake the Military Command; which could not be otherwiſe obtained. Beſides this, they procured a Decree of the *Senate*, to determine the Extent of

(*a*) *Liv.* lib. 8. cap. 26.

their

their Provinces, the Number of their Forces, the Pay that ſhould be allowed them, with all other Neceſſaries for their Journey and Settlement.

By the paſſing of this Decree, they were ſaid *Ornari Provinciâ*; and *Cicero* uſes in the ſame Senſe, *Ornari Apparitoribus, Scribis*, &c. who made a Part of the *Proconſul*'s Retinue.

Nothing now remained, but at the End of the Year to take upon them their new Government. But we muſt obſerve, that though the *Senate* had given them leave to depart, yet the *Tribunes* of the Commons had Power to ſtop their Journey; and therefore becauſe *Craſſus* went *Proconſul* into *Parthia*, contrary to the expreſs Order of the *Tribune*, he was generally believed to have loſt the *Roman* Army, and his own Life, as a Judgment on him, for deſpiſing the Authority of that Officer, whom they always counted *Sacroſanctus*.

At their firſt Entrance on their Province, they ſpent ſome Time in Conference with their immediate Predeceſſors, to be informed of the State of Things, though their Adminiſtration began the very Day of their Arrival.

Their Authority, both Civil and Military, was very extraordinary. The Winter they generally ſpent in the Execution of the firſt, and the Summer in the Diſcharge of the latter.

They decided Caſes of Equity and Juſtice, either privately in their *Prætorium* or Palace, where they received Petitioners, heard Complaints, granted Writs under their Seal, and the like; or elſe publicly in the Common-Hall, with the uſual Ceremonies and Formalities obſerved in Courts of Judicature, the Proceſſes being in all Reſpects the ſame as thoſe at *Rome*.

Beſides this, by Virtue of their Edicts, they had the Power of ordering all Things relating to the Tributes, Taxes, Contributions, and Proviſions of Corn and Money, and whatever elſe belonged to the chief Adminiſtration of Affairs.

Their Return from the Command was very remarkable: They either met their Succeſſor at his Arrival, and immediately delivered into his Hands the Charge of the Army, being obliged to leave the Province in thirty Days; or they came away before-hand, and left a Deputy in their Room to perform the Solemnity of a Reſignation, having firſt made up their Accounts, and left them in Writing in the two chief Cities of their ſeveral Provinces.

Upon

Upon their Arrival at *Rome*, if they had no Thoughts of a Triumph, they diſmiſſed their Train, and entered the City as private Perſons. If they aſpired to that Honour, they ſtill retained the *Faſces*, and other *Proconſular* Ornaments, and gave the *Senate* (aſſembled for this Purpoſe in the Temple of *Bellona*) a Relation of their Actions and Exploits, and petitioned for a Triumph. But in both Caſes they were obliged to give in their Accompts into the public Treaſury within thirty Days.

Though the *Proconſuls* ordered Matters as they pleaſed during their Honour; yet, at their Return, a very ſtrict Account was made into the whole Courſe of their Government; and upon the Diſcovery of any Ill-dealing, it was uſual to prefer Bills againſt them, and bring them to a formal Trial. The Crimes moſt commonly objected againſt them were, *Crimen Peculatûs*, relating to the ill Uſe of the public Money, and the Deficiency of their Accompts; *Magiſtratûs*, of Treachery and Perfidiouſneſs againſt the Commonwealth; or *Repetundarum*, of Oppreſſion or Extortion exerciſed upon the Inhabitants of the Provinces, whom, as their Allies and Confederates, the *Romans* were obliged to patroniże and defend.

When *Auguſtus*, at the Deſire of the Senate and People, aſſumed the ſole Government of the Empire, among other Conſtitutions at the Beginning of his Reign, he divided the Provinces in two Parts; one of which he gave wholly over to the People, and reſerved the other for himſelf. After which Time, only the Governors ſent into the firſt Diviſion bore the Name of *Proconſuls*; though they were denied the whole Military Power, and ſo fell ſhort of the old *Proconſuls*.

To theſe four Sorts of *Proconſuls*, we may add two more from *Alexander* of *Naples*.

Firſt, Such as the *Senate* created *Proconſuls* without a *Province*, purely for the Command of the Army, and the Care of the Military Diſcipline: And, ſecondly, ſuch *deſigned Conſuls* as entered on their *Proconſular* Office, before they were admitted to the Conſulſhip.

CHAP.

CHAP. XV.

Of the Provincial Prætors *and* Proprætors; *of the* Legati, Quæſtors, *and* Proquæſtors.

IN the Beginning of the Commonwealth, the Provinces were governed by *Prætors*; and as the Dominions of the State were enlarged, the Number of thoſe Magiſtrates accordingly encreaſed; yet even in thoſe Times, if they continued in the Command of the Province beyond the Time prefixed for the Continuance of their *Prætorſhip*, they took upon them the Names of *Proprætors*, though they ſtill retained the ſame Authority as before.

About *A. U. C.* 604. the *deſigned Prætors* began to divide the *Prætorian*, or leſſer Provinces, by Lot, in the ſame Manner as the *Conſuls* did the *Conſular*; and, when at the End of the Year they repaired to their reſpective Governments, aſſumed the Title of *Proprætors*. As their Creation was the ſame as that of the *Proconſuls*; ſo their Entrance upon Office, and the whole Courſe of their Adminiſtration, was exactly anſwerable to theirs; only that they were allowed but ſix *Lictors*, with an equal Number of *Faſces*, whereas the *Proconſuls* had twelve of each.

Now, though before the Time of *Auguſtus*, the *Proprætors*, by Reaſon of their preſiding over the Provinces of leſſer Note and Importance, were always reckoned inferior to the *Proconſuls*; yet upon his Diviſion of the Provinces, the Governors of thoſe which fell to his Share, bearing the Name of *Proprætors*, got the Preference of the *Proconſuls*, in Reſpect of Power and Authority; being inveſted with the military Command, and continuing in their Office as long as the Emperor pleaſed.

The chief Aſſiſtants of the *Proconſuls* and the *Proprætors*, were the *Legati* and the Provincial *Quæſtors*. The former being different in Number, according to the Quality of the Governor whom they accompanied, ſerved for the judging of inferior Cauſes, and the Management of ſmaller Concerns, remitting every Thing of Moment to the Care of the Government, or Preſident. But though inſtituted at firſt for Counſel only, (like the *Deputies of the States* attending the *Dutch* Armies,) yet they were afterwards admitted to Command: And therefore will be deſcribed as *General Officers*, when we come to ſpeak of the Military Affairs (*a*).

(*a*) *Vide* Lib. IV. cap. 8.

Beſides

Beſides the *Legati*, there went with every *Proconſul* or *Proprætor*, one *Quæſtor*, or more, whoſe whole Buſineſs was, in managing the public Accounts, taking care of the Supplies of Money, Corn, and other Neceſſaries and Conveniences for the Maintenance of the Army.

We ſeldom meet with *Proquæſtors* in Authors, they being only ſuch as performed the Office of *Quæſtors* in the Provinces without the Deputation of the *Senate*, which was requiſite to the Conſtitution of the proper *Quæſtors*. This happened either when a *Quæſtor* died in his Office, or went to *Rome* without being ſucceeded by another: For in both theſe Caſes, the Governor of the Province appointed another in his Room, to diſcharge the ſame Duties under the Name of *Proquæſtor*.

Of the like Nature with the *Quæſtor*, were the *Procuratores Cæſaris*, often mentioned by *Tacitus* and *Suetonius*; Officers ſent by the Emperors into every Province, to receive and regulate the public Revenue, and to diſpoſe of it at the Emperor's Command.

Such a Magiſtrate was *Pontius Pilate* in *Judæa*; and though the judging of capital Cauſes did not properly belong to his Office, yet becauſe the *Jews* were always looked upon as a rebellious Nation, and apt to revolt upon the leaſt Occaſion; and becauſe the Preſident of *Syria* was forced to attend to other Parts of his Province; therefore, for the better keeping the *Jews* in Order, the *Procurator* of *Judæa* was inveſted with all the Authority proper to the *Proconſul*, even with the Power of Life and Death, as the learned Biſhop *Pearſon* obſerves (*a*).

(*a*) Biſhop *Pearſon* on the *Creed*, Art. 4.

CHAP. VI.

Of the COMITIA.

THE *Comitia*, according to *Sigonius*'s Definition, were *General Aſſemblies of the People lawfully called by ſome Magiſtrate, for the Enjoinment or Prohibition of any Thing by their Votes* (*a*).

The proper *Comitia* were of three Sorts; *Curiata*, *Centuriata*, and *Tributa*; with Reference to the three grand Diviſions of the City and People into *Curiæ*, *Centuries*, and *Tribes*.

(*a*) *Sigon. de Antiq. Jur. Civ. Romanorum*, lib. 1. cap. 17.

For

For by *Comitia Calata*, which we ſometimes meet with in Authors, were formerly meant all the *Comitia* in general; the Word *Calata*, from καλέω or *Calo*, being their common *Epithet*; though it was at laſt reſtrained to two Sorts of Aſſemblies, thoſe for the Creation of Prieſts, and thoſe for the Inſpection and Regulation of laſt Wills and Teſtaments (*a*).

The *Comitia Curiata* owe their Origin to the Diviſion which *Romulus* made of the People into thirty *Curiæ*; ten being contained under every *Tribe*. They anſwered, in moſt Reſpects, to the Pariſhes in our Cities; being not only ſeparated by proper Bounds and Limits, but alſo diſtinguiſhed by their different Places ſet apart for the Celebration of Divine Service, which was performed by particular Prieſts (one to every *Curia*,) with the Name of *Curiones*.

Dionyſius Halicarnaſſeus expreſly affirms, that each *Curia* was again ſubdivided into *Decuriæ*, and theſe leſſer Bodies governed by *Decuriones*. And, upon the Strength of his Authority, moſt Compilers of the *Roman* Cuſtoms, give the ſame Account without any Scruple. But it is the Opinion of the learned *Grævius* (*b*), that ſince *Dionyſius* is not ſeconded in this Part of his Relation by any antient Writer, we ought to think it was a Miſtake in that great Man; and that by Forgetfulneſs he attributed ſuch a Diviſion to the *Curiæ* as belonged properly to the *Turmæ* in the Army.

Before the Inſtitution of the *Comitia Centuriata*, all the grand Concerns of the State were tranſacted in the Aſſembly of the *Curiæ*; as, the Election of Kings, and other chief Officers; making and abrogating of Laws, and judging of capital Cauſes. After the Expulſion of the Kings, when the Commons had obtained the Privilege to have *Tribunes* and *Ædiles*; they elected them for ſome Time at theſe Aſſemblies: But that Ceremony being at length transferred to the *Comitia Tributa*, the *Curiæ* were never convened to give their Votes, except occaſionally on Account of making ſome particular Law, relating to Adoptions, Wills and Teſtaments, or the Creation of Officers for an Expedition; or for the electing of ſome of the Prieſts, as the *Flamines*, and the *Curio Maximus*, or Superintendant of the *Curiones*, who themſelves were choſen by every particular *Curia*.

The Power of calling theſe Aſſemblies belonged at firſt only to the Kings; but upon the Eſtabliſhment of the De-

(*a*) *A. Gell.* lib. 15. cap. 27. (*b*) *Præf. ad Vol. Theſau. Antiquit. Rom.*

mocracy,

mocracy, the ſame Privilege was allowed to moſt of the chief Magiſtrates, and ſometimes to the *Pontifices*.

The Perſons who had the Liberty of Voting here, were ſuch *Roman* Citizens as belonged to the *Curiæ*; or ſuch as actually lived in the City, and conformed to the Cuſtoms and Rites of their proper *Curia*; all thoſe being excluded who dwelt without its Bounds retaining the Ceremonies of their own Country, though they had been honoured with the *Jus Civitatis*, or admitted free Citizens of *Rome* (*a*).

The Place where the *Curiæ* met was the *Comitium*, a part of the *Forum* decribed before (*b*).

No ſet Time was allotted for the holding of theſe or any of the other *Comitia*, but only as Buſineſs required.

The People being met, and confirmed by the Report of good Omens from the *Augurs* (which was neceſſary in all Aſſemblies,) the *Rogatio*, or Buſineſs to be propoſed to them, was publicly read. After this (if none of the Magiſtrates interpoſed), upon the Order of him that preſided in the *Comitia*, the People divided into their proper *Curiæ*, and conſulted of the Matter; and then the *Curiæ* being called out, as it happened by Lot, gave their Votes, Man by Man, in antient Times *vivâ voce*, and afterwards by Tablets; the moſt Votes in every *Curia* going for the Voice of the whole *Curia*, and the moſt *Curiæ* for the general Conſent of the People (*c*).

In the Time of *Cicero*, the *Comitia Curiata* were ſo much out of Faſhion, that they were formed only by thirty Lictors repreſenting the thirty *Curiæ*; whence in his ſecond Oration againſt *Rullus*, he calls them *Comitia adumbrata*.

The *Comitia Centuriata* were inſtituted by *Servius Tullius*; who obliging every one to give a true Account of what they were worth, according to thoſe Accounts divided the People into ſix Ranks, or *Claſſes*, which he ſubdivided into 193 *Centuries*. The firſt *Claſſis*, containing the *Equites* and richeſt Citizens, conſiſted of ninety-eight *Centuries*. The ſecond, taking in the Tradeſmen and Mechanics, made up two and twenty *Centuries*. The third, the ſame Number. The fourth, twenty. The fifth, thirty. And the laſt, filled up with the poorer Sort, had but one Century (*d*).

(*a*) *Sigon. de Antiq. jur. Provinc.* lib. 3. cap. 1. (*b*) *See* Part II. Book I. cap. 5. (*c*) *Roſin.* lib. 7. cap. 7. (*d*) *See Dionyſ.* lib. 4.

And

And this, though it had the ſame Name with the reſt, yet was ſeldom regarded, or allowed any Power in public Matters. Hence it is a common Thing with the *Roman* Authors, when they ſpeak of the *Claſſes*, to reckon no more than five, the ſixth not being worth their Notice. This laſt *Claſſis* was divided into two Parts or Orders, the *Proletarii*, and the *Capite Cenſi*. The former, as their Name implies, were deſigned purely to ſtock the Commonwealth with Men, ſince they could ſupply it with ſo little Money. And the latter, who paid the loweſt Tax of all, were rather counted and marſhalled by their Heads, than their Eſtates (*a*).

Perſons of the firſt Rank, on Account of their Pre-eminence, had the Name of *Claſſici*; whence came the Phraſe of *Claſſici Autores*, for the moſt approved Writers. All others, of what *Claſſis* ſoever, were ſaid to be *infra Claſſem* (*b*).

The Aſſembly of the People by *Centuries* was held for the electing of *Conſuls*, *Cenſors*, and *Prætors*; as alſo for the judging of Perſons accuſed of what they called *Crimen Perduellionis*, or Actions by which the Party had ſhewed himſelf an Enemy to the State; and for the Confirmation of ſuch Laws as were propoſed by the Chief Magiſtrates, who had the Privilege of calling theſe Aſſemblies.

The Place appointed for their Meeting was the *Campus Martius*; becauſe in the primitive Times of the Commonwealth, when they were under continual Apprehenſions of Enemies, the People, to prevent any ſudden Aſſault, went armed, in martial Order, to hold theſe Aſſemblies; and were for that Reaſon, forbid by the Laws to meet in the City, becauſe an Army was upon no Account to be marſhalled within the Walls: Yet in latter Ages, it was thought ſufficient to place a Body of Soldiers as a Guard in the *Janiculum*, where an Imperial Standard was erected, the taking down of which denoted the Concluſion of the *Comitia*.

Though the Time of theſe *Comitia* for other Matters was undetermined, yet the Magiſtrates after the Year 601, when they began to enter on their Places on the *Kalends* of *January*, were conſtantly *deſigned* about the End of *July*, and the Beginning of *Auguſt*.

All the Time between their Election and Confirmation, they continued as private Perſons, that Inquiſition might be made into the Election, and the other Candidates might have Time to enter Objections, if they had any Suſpicion of unfair Dealing.

(*a*) *A. Gell.* lib. 7. cap. 13. (*b*) *Ibid.* lib. 16. cap. 10.

Yet at the Election of *Cenſors*, this Cuſtom did not hold; but as ſoon as they were pronounced elect, they were immediately inveſted with the Honour (*a*).

By the Inſtitution of theſe *Comitia*, *Servius Tullius* ſecretly conveyed the whole Power from the Commons: For the *Centuries* of the firſt and richeſt Claſs being called out firſt, who were three more in Number than all the reſt put together, if they all agreed, as generally they did, the Buſineſs was already decided, and the other *Claſſes* were needleſs and inſignificant. However the three laſt ſcarce ever came to vote (*b*).

The Commons, in the Time of the free State, to rectify this Diſadvantage, obtained, that before they proceeded to voting in any Matter at theſe *Comitia*, that *Century* ſhould give their Suffrages firſt, upon whom it fell by Lot, with the Name of *Centuriata Prærogativa*, the reſt being to follow according to the Order of their *Claſſes*. After the Conſtitution of the five and thirty *Tribes*, into which the *Claſſes* and their *Centuries* were divided; in the firſt Place, the *Tribes* caſt Lots, which ſhould be the *Prerogative-Tribe*; and then the *Centuries* of the *Tribe*, for the Honour of being the *Prerogative-Century*. All the other Tribes and Centuries had the Appellation of *Jure vocatæ*, becauſe they were called out according to their proper Places.

The *Prerogative-Century* being choſen by Lot, the chief Magiſtrate ſitting in a * Tent in the Middle of the *Campus Martius*, ordered that *Century* to come out and give their Voices; upon which they preſently ſeparated from the reſt of the Multitude, and came into an encloſed Apartment, which they termed *Septa*, or *Ovilia*; paſſing over the *Pontes*, or narrow Boards, laid there for the Occaſion; on which Account, *de Ponte dejici* was to be denied the Privilege of voting, and Perſons thus dealt with, were called *Depontani*.

* *Tabernaculum.*

At the nearer End of the *Pontes*, ſtood the *Diribitores* (a Sort of Under-Officers, called ſo from dividing or marſhalling the People) who delivered to every Man, in the Election of Magiſtrates, as many Tablets as there appeared Candidates, one of whoſe Names was written upon every Tablet.

Tabellæ.

A proper Number of great Cheſts were ſet in the *Septa*, into which every Body threw what Tablet he pleaſed.

(*a*) *Liv.* lib. 40. (*b*) *Dionyſ.* lib. 4.

By

By the Chefts were placed ſome of the public Servants, who taking out the Tablets of every *Century*, for every Tablet made a Point in another Tablet which they kept by them Thus the Buſineſs being decided by moſt Points, gave Occaſion to the Phraſe of *Omne tulit Punctum* (*a*), and the like.

The ſame Method was obſerved in the judiciary Proceſſes at theſe *Comitia*, and in the Confirmation of Laws; except that in both theſe Caſes, only two Tablets were offered to every Perſon, on one of which was written *U. R.* and on the other *A.* in Capital Letters; the two firſt ſtanding for *Uti Rogas*, or, *Be it as you deſire*, relating to the Magiſtrate who propoſed the Queſtion; and the laſt for *Antiquo*, or, *I forbid it.*

It is remarkable, that though in the Election of Magiſtrates, and in the Ratification of Laws, the Votes of that *Century*, whoſe Tablets were equally divided, ſignified nothing; yet in Trials of Life and Death, if the Tablets *pro* or *con* were the ſame in Number, the Perſon was acquitted (*b*).

The Diviſion of the People into *Tribes*, was an Invention of *Romulus*, after he had admitted the *Sabines* into *Rome*; and though he conſtituted at that Time only three, yet as the State increaſed in Power, and the City in Number of Inhabitants, they roſe by Degrees to five and thirty. For a long Time after this Inſtitution, a *Tribe* ſignified no more than ſuch a Space of Ground with its Inhabitants. But at laſt the Matter was quite altered, and a *Tribe* was no longer *Pars Urbis*, but *Civitatis*; not a Quarter of the City, but a Company of Citizens living where they pleaſed. This Change was chiefly occaſioned by the original Difference between the *Tribes* in Point of Honour. For *Romulus* having committed all ſordid and mechanic Arts to the Care of Strangers, Slavers, and Libertines, reſerved the more honeſt Labour of Agriculture to the Freemen and Citizens, who by this active Courſe of Life might be prepared for martial Service; the *Tribus Ruſticæ* were for this Reaſon eſteemed more honourable than the *Urbanæ*: And now all Perſons being deſirous of getting into the more creditable Diviſion, and there being ſeveral Ways of accompliſhing their Wiſhes, as by Adoption, by the Power of the *Cenſors*, and the like; that *Ruſtic Tribe* which had moſt worthy Names in its Roll, had the Preference to all others, though of the ſame general Denomination. Hence all of the ſame great Family, bringing themſelves by Degrees into the ſame *Tribe*, gave the

(*a*) *Hor. de Arte Poet.* (*b*) *Dionyſ.* lib. 7.

Name of their Family to the *Tribe* they honoured; whereas at firſt, the Generality of the *Tribes* did not borrow their Names from Perſons but from Places (*a*).

The firſt Aſſembly of the *Tribes* we meet with, is about the Year of *Rome* 263, convened by *Sp. Sicinius*, *Tribune* of the Commons, upon Account of the Trial of *Coriolanus*. Soon after, the *Tribunes* of the Commons were ordered to be elected here: and at laſt all the inferior Magiſtrates and Collegiate Prieſts. The ſame *Comitia* ſerved for enacting Laws relating to War and Peace, and all others propoſed by the *Tribunes* and Plebeian Officers though they had not properly the Name of *Leges*, but *Plebiſcita*. They were generally convened by the *Tribunes* of the Commons, but the ſame Privilege was allowed to all the chief Magiſtrates.

They were confined to no Place, and therefore ſometimes we find them held in the *Comitium*, ſometimes in the *Campus Martius*, and now and then in the Capitol.

The Proceedings were, in moſt Reſpects, anſwerable to thoſe already deſcribed in the Account of the other *Comitia*, and therefore need not be inſiſted on; only we may farther obſerve of the *Comitia* in general, that when any Candidate was found to have moſt Tablets for a Magiſtracy, he was declared to be *deſigned* or *elected* by the Preſident of the Aſſembly: And this they termed *renunciari Conſul*, *Prætor*, or the like: And that the laſt Sort of the *Comitia* only, could be held without the Conſent and Approbation of the *Senate*, which was neceſſary to the convening the other two (*b*).

(*a*) *See Mr.* Walker *of Coins*, p. 126. (*b*) *Dionyſ.*

CHAP. XVII.

Of the ROMAN *Judgments; and firſt, of Private Judgments.*

A *Judgment*, according to *Ariſtotle*'s Definition, is no more than Κρίσις τῦ δικαίυ καὶ ἀδίκυ *the Deciſion of Right and Wrong.*

The whole Subject of the *Roman* Judgments is admirably explained by *Sigonius* in his three Books *de Judiciis*, from whom the following Account is for the moſt Part extracted.

Judgments,

Judgments, or *Determinations* of a proper *Judge*, were made either by a competent Number of ſelect *Judges*, or by the whole People in a General Aſſembly.

Judgments made by one or more ſelect *Judges*, may be divided into public or private, the firſt relating to Controverſies, the ſecond to Crimes.

The former will be ſufficiently deſcribed, if we conſider the Matter, or Subject of theſe *Judgments*, the Perſons concerned in them, and the Manner of Proceeding.

The Matter of private *Judgments* takes in all Sorts of Cauſes that can happen betwixt Man and Man; which being ſo vaſtly extended, and belonging more immediately to the *Civil* Law, need not here be inſiſted on.

The Perſons concerned were the Parties, the Aſſiſtants, and the Judges.

The Parties were the *Actor* and *Reus*, the Plaintiff and Defendant.

The Aſſiſtants were the *Procuratores*, and the *Advocati*, of whom, though they are often confounded, yet the firſt were properly ſuch Lawyers as aſſiſted the Plaintiff in proving, or the Defendant in clearing himſelf from the Matter of Fact: The others, who were likewiſe called *Patroni*, were to defend their Client's Cauſe in Matters of Law (*a*).

But theſe were ſelected out of the ableſt Lawyers, and had their Names entered in the *Matriculation-Book* of the *Forum*. This was one Condition requiſite to give them the Liberty of Pleading; the other was the being retained by one of the Parties, and receiving a Fee, which they termed *Mandatum* (*a*).

The *Judges*, beſides the *Prætor*, or ſupreme Magiſtrate, who preſided in the Court, and allowed and confirmed them, were of three Sorts; *Arbitri*, *Recuperatores* and *Centumviri Litibus judicandis*.

Arbitri, whom they called ſimply *Judices*, were appointed to determine in ſome private Cauſes of no great Conſequence, and of very eaſy Deciſion.

Recuperatores, were aſſigned to decide Controverſies about receiving or recovering Things which had been loſt or taken away.

But the uſual Judges in private Cauſes, were the *Centumviri*; three of whom were taken out of every *Tribe*, ſo that their Number was five more than their Name imported; and at length increaſed to an hundred and eighty. It is proba-

(*a*) *Zouch. Element. Juriſprud.* p. 5. Sect. 3. (*b*) *Ibid.*

ble that the *Arbitri* and *Recuperatores* were aſſigned out of this Body by the *Prætor*.

The Manner of carrying on private Suits was of this Nature. The Difference failing to be made up between Friends, the injured Perſon proceeded *in jus reum vocare*, to ſummon the offending Party to Court; who was obliged immediately to go with him, or elſe to give Bond for his Appearance; according to the common Maxim, *In jus vocatus aut eat, aut ſatiſdet*.

Both Parties being met before the *Prætor*, or other ſupreme Magiſtrate preſiding in the Court, the Plaintiff propoſed the Action to the Defendant, on which he deſigned to ſue him: This they termed *Edere Actionem*, being performed commonly by writing it in a Tablet, and offering it to the Defendant, that he might ſee whether he had beſt compound, or ſtand the Suit.

In the next Place came the *Poſtulatio Actionis*, or the Plaintiff's deſiring Leave of the *Prætor* to proſecute the Defendant on ſuch an Action: This being granted, the Plaintiff *vadabatur reum*, obliged him to give Sureties for his Appearance on ſuch a Day in the Court; and this was all that was done in public, before the prefixed Day for the Trial.

In the mean time, the Difference uſed very often to be made up, either *Tranſactione*, or *Pacto*; by letting the Cauſe fall as dubious and uncertain, or by a Compoſition for ſo much Damage to be aſcertained by an equal Number of Friends.

On the Day appointed for Hearing, the *Prætor* ordered the ſeveral Bills to be read, and the Parties to be ſummoned by an *Accenſus* or Beadle. Upon the Default of either Party, the Defaulter loſt his Cauſe. The Appearing of both they termed *ſe ſtetiſſe*; and then the Plaintiff proceeded *Litem ſive Actionem intendere*, to prefer the Suit; which was performed in a ſet Form of Words, varying according to the Difference of the Actions. After this, the Plaintiff deſired Judgment of the *Prætor*; that is, to be allowed a *Judex*, or *Arbiter*, or elſe the *Recuperatores* or *Centumviri*, for the hearing and deciding the Buſineſs; but none of theſe could be deſired, unleſs both Parties agreed. The *Prætor*, when he aſſigned them their Judges, at the ſame Time, defined the Number of Witneſſes, to hinder the protracting of Suits; and then the Parties proceeded to give Caution, that the Judgment, whatever it was, ſhould ſtand, and be performed on both Sides. The Judges always took a ſolemn Oath

Oath to be impartial; and the Parties ſwore they did not go to Law with a Deſign to abuſe one another: This they called *Juramentum Calumniæ*. Then began the *Diſceptatio Cauſæ*, or diſputing the Cauſe, managed by the Lawyers on both Sides, with the Aſſiſtance of Witneſſes, Writings, and the like; the Uſe of which is ſo admirably taught in the Books of Oratory.

In giving Sentence, a Majority of the Judges was required, to caſt the Defendant. If the Number was equally divided, the Defendant was cleared; and if half condemned him in one Sum to be paid, and half in another, the leaſt Sum always took place (*a*).

The Conſequences of the Sentence were either, *In integrum Reſtitutio*, *Addictio*, *Judicium Calumniæ*, or *Judicium Falſi*.

The firſt was, when upon Petition of the Party who was caſt, the *Prætor* gave him Leave to have his Suit again tried, and allowed another full Hearing.

Addictio was, when the Party had been caſt in a certain Sum, who, unleſs he gave Surety to pay it in a little Time, was brought by the Plaintiff before the *Prætor*, who delivered him into his Diſpoſal, to be committed to Priſon, or otherwiſe ſecured, until Satisfaction was made.

Judicium Calumniæ, was an Action brought againſt the Plaintiff for falſe Accuſation.

Judicium Falſi, was an Action which lay againſt the Judges for Corruption and unjuſt Proceedings.

(*a*) *Zouch. Element.* p. 5. Sect. 10.

CHAP. XVIII.

Of public JUDGMENTS.

FOR the Knowledge of public Judgments, we may take notice of the Crimes, the Puniſhments of the *Quæſitors* and Judges, of the Methods of Proceeding, and of the Conſequences of the Trial.

The Crimes, or the Matter of public Judgments, were ſuch Actions as tended either mediately, or immediately, to the Prejudice of the State, and were forbidden by the Laws. As, if any Perſon had derogated from the Honour and Majeſty of the Commonwealth; had embezzled or put to ill Uſes the public Money, or any Treaſure conſecrated to Religion; had corrupted the Peoples Votes in an Election; had

extorted Contributions from the Allies; had received Money in any Judgment; or had uſed any Compulſion to a Member of the Commonwealth: Theſe they termed *Crimina Majeſtatis peculatûs, ambitûs, repetundarum,* and *vis publica.* Or if any Perſon had killed another with a Weapon; had effected the ſame with Poiſon; had laid violent Hands on his Parents; had forged a Will; had counterfeited the public Coin; had corrupted another Man's Wife; or had bought, bound, or concealed a Servant, without the Knowledge of his Maſter: Whence theſe Crimes took the Names of, *inter ſicarios, veneficii, parricidii, falſi, adulterii, plagii.*

Beſides theſe, any private Cauſe, by Virtue of a new Law, might be made of public Cognizance.

As to the Puniſhments, they may be allowed a Chapter by themſelves hereafter.

The Inquiſition of criminal Matters belonged at firſt to the Kings, and after the Abrogation of their Government, for ſome Time, to the Conſuls: But being taken from them by the *Valerian Law,* it was conferred, as Occaſions happened, upon Officers deputed by the People, with the Title of *Quæſitores Parricidii.* But about the Year of the City 604, this Power was made perpetual, and appropriated to the *Prætors,* by Virtue of an Order of the People at their annual Election; the Inquiſition of ſuch and ſuch Crimes being committed to ſuch and ſuch *Prætors:* Yet upon extraordinary Occaſions, the People could appoint other *Quæſitores,* if they thought convenient.

Next to the *Quæſitor,* was the *Judex Quæſtionis*; called alſo by *Aſconius, Princeps Judicum,* who, though he is ſometimes confounded with the *Prætor,* yet was properly a Perſon of Note, deputed by the *Prætor,* to manage the Trial, of which the former Magiſtrate performed only the main Buſineſs.

After him were the *Judices ſelecti,* who were ſummoned by the *Prætor* to give their Verdict in criminal Matters, in the ſame Manner as our Juries. What Alterations were made in different Times as to the Orders of the People whence the *Judices* were to be taken, will be obſerved when we ſpeak of the particular Laws on this Head (*a*). No Perſon could regularly be admitted into the Number, under five and twenty Years of Age (*b*).

As to the Method of the Proceedings, the firſt Action which they termed *in jus vocatio* was much the ſame in public

(*a*) Cap. 36. (*b*) *Vid.* Græv. *Præfat. ad Vol.* I. Antiq. Rom.

as

as in private Cauſes: But then, as the *Poſtulatio* of the Plaintiff conſiſted in deſiring Leave of the *Prætor* to enter a Suit againſt the Defendant: So here the Accuſer deſired Permiſſion to enter the Name of the Offender, with the Crime which he objected to him. This they called *Nominis delatio*; being performed firſt *vivâ voce*, in a ſet Form of Words, according to the Nature of the Crime, and then offered to the *Prætor*, being written in a Tablet: If approved by the *Prætor*, the accuſed Party's Name was entered in the Roll of Criminals; both Perſons having taken the *Oath of Calumny* already ſpoken of.

At entering the Name, the *Prætor* appointed a ſet Day for the Trial: And from that Time the accuſed Perſon changed his Habit, going in black until the Trial was over, and uſing in his Dreſs and Carriage all Tokens of Sorrow and Concern.

Upon the appointed Day, the Court being met, and both Parties appearing, the firſt Thing done, was the *ſortitio Judicum*, or impannelling the Jury; performed commonly by the *Judex Quæſtionis*, who took by Lot ſuch a Number out of the Body of the *Judices ſelecti*, as the particular Law on which the Accuſation was founded, had determined; Liberty being given to both Parties to reject (or, as we call it, to challenge) any that they pleaſed, the *Prætor*, or *Judex Quæſtionis*, ſubſtituting others in their Places.

The Jury being thus choſen, was cited by the public Servants of the Court; and when the proper Number appeared, they were ſworn, and then took their Places in the *Subſellia*, and heard the Trial.

In this we reckon four Parts, *Accuſatio*, *Defenſio*, *Laudatio*, and *Latio ſententiæ*.

Accuſatio is defined, *Perpetua Oratio ad crimina inferenda atque augenda, artificiosè compoſita*; *A continued Oration artificially compoſed for the making out, and heightening the Crimes alledged:* For it did not only conſiſt in giving a plain Narration of the Matter of Fact, and confirming it by Witneſſes and other Evidences; but in bringing other Arguments alſo, drawn from the Nature of the Thing, from the Character of the accuſed Perſon, and his former Courſe of Life, from the Circumſtances of the Fact, and ſeveral other Topics, which the Orators teach us to enlarge upon: Nor was the Accuſer limited in Reſpect of Time, being allowed commonly as many Days as he pleaſed, to make good his Charge.

Defenſio

Defenſio belonged to the Lawyers or Advocates retained by the accuſed Party, who in like Manner were allowed to ſpeak as many Days as they pleaſed, towards the clearing of their Client. The three common Methods they took, were, *Facti negatio, negatio nominis facti*, or *probatio jure factum:* Either poſitively to deny the Matter of Fact, and endeavour to evince the contrary; or elſe to acknowledge the Fact, and yet to deny that it fell under the Nature of the Crime objected: Or, laſtly, to prove the Fact lawful.

The firſt Way of Defence was generally uſed when the Perſon ſtood indicted of what they called *Crimen repetundarum*, and *Crimen ambitus*; the next of the *Crimen Majeſtatis*; and the laſt in Caſes of Murder.

Cicero has given us an excellent Example in each Kind. Of the firſt, in his Orations for *Fonteius, Flaccus, Muræna*, and *Plancius:* Of the ſecond, in that for *Cornelius*; and of the third, in his admirable Defence of *Milo.*

Laudatio was a Cuſtom like that in our Trials, of bringing in Perſons of Credit, to give their Teſtimony of the accuſed Perſon's good Behaviour, and Integrity of Life. The leaſt Number of theſe *Laudatores* uſed to be ten.

In the *Latio Sententiæ*, or pronouncing Sentence, they proceeded thus: After the Orators on both Sides had ſaid all they deſigned, the Cryer gave notice accordingly; and then the *Prætor* ſent out the Jury to conſult (*mittebat Judices in conſilium*) delivering to every one, three Tablets covered with Wax; one of Abſolution, another of Condemnation, and a third of *Ampliation*, or Adjournment of the Trial; the firſt being marked with *A*; the ſecond with *C*; the other *N. L.* or *non liquet.*

In the Place where the Jury withdrew, was ſet a proper Number of Urns, or Boxes, into which they threw what Tablet they pleaſed; the accuſed Perſon proſtrating himſelf all the while at their Feet, to move their Compaſſion.

The Tablets being drawn, and the greateſt Number known, the *Prætor* pronounced Sentence accordingly. The Form of Condemnation was uſually, *Videtur feciſſe*, or *Non jure videtur feciſſe*: Of Abſolution, *Non videtur feciſſe:* Of Ampliation, *Amplius cognoſcendum*; or rather the bare Word *AMPLIUS:* This *Aſconius* teaches us; *Mos veterum hic fuerat, ut ſi abſolvendus quis eſſet, ſtatim abſolveretur; ſi damnandus, ſtatim damnaretur; ſi cauſa non eſſet idonea ad damnationem, abſolvi tamen non poſſet, AMPLIUS pronunciaretur.* Sometimes he mentioned the Puniſhment, and ſometimes left it out, as being determined by the Law, on which the Indictment was grounded.

The

The Conſequences of the Trial in criminal Matters, may be reduced to theſe four Heads, *Æſtimatio litis*, *Animadverſio*, *Judicium calumniæ*, and *Judicium prævaricationis*.

Æſtimatio litis, or rating the Damages, was in Uſe only in Caſes of Bribery, or abuſe of the public Money.

Animadverſio was no more than putting the Sentence in Execution, which was left to the Care of the *Prætor*.

But in Caſe the Party was abſolved, there lay two Actions againſt the Accuſer; one of Calumny, the common Puniſhment of which was *Frontis inuſtio*, burning in the Forehead: And the other of Prevarication, when the Accuſer inſtead of urging the Crime home, ſeemed rather to hide or extenuate the Guilt: Hence the Civilians define a Prevaricator, to be *One that betrays his Cauſe to the Adverſary, and turns on the Criminal's Side, whom he ought to proſecute.*

CHAP. XIX.

Judgments of the whole People.

THE People were ſometimes the Judges, both in private and public Cauſes; though of the firſt, we have only one Example in *Livy*; the other we frequently meet with in Authors.

Theſe Judgments were made, firſt at the *Comitia Curiata*, and afterwards at the *Centuriata* and *Tributa*; the Proceedings in all which Aſſemblies have been already ſhewn: What we may farther obſerve is this: When any Magiſtrate deſigned to impeach a Perſon of a Crime before the whole People, he aſcended the *Roſtra*, and calling the People together by a Cryer, ſignified to them, That upon ſuch a Day, he intended to accuſe ſuch a Perſon of ſuch a Crime: This they termed *Reo diem dicere:* The ſuſpected Party was obliged immediately to give Sureties for his Appearance on the Day prefixed, and in Default of Bail, was committed to Priſon.

On the appointed Day, the Magiſtrate again aſcended the *Roſtra*, and cited the Party by the Cryer; who, unleſs ſome other Magiſtrate of equal Authority interpoſed, or a ſufficient Excuſe was offered, was obliged to appear, or might be puniſhed at the Pleaſure of the Magiſtrate who accuſed him. If he appeared, the Accuſer began his Charge, and carried it on every other Day, for ſix Days together;

gether; mentioning at the End of the Indictment the particular Puniſhment ſpecified in the Law for ſuch an Offence. This Intimation was termed *Inquiſitio*. The ſame was immediately after expreſſed in Writing, and then took the Name of *Rogatio*, in Reſpect of the People, who were to be aſked or conſulted about it; and *Irrogatio*, in Reſpect of the Criminal, as it imported the Mulct or Puniſhment aſſigned him by the Accuſer. This *Rogatio* was publicly expoſed three *Nundinæ* or Market-days together, for the Information of the People. On the third Market-day, the Accuſer again aſcended the *Roſtra*; and, the People being called together, undertook the fourth Turn of his Charge; and having concluded, gave the other Party leave to enter upon his Defence, either in his own Perſon, or by his Advocates.

At the ſame Time that the Accuſer finiſhed his fourth Charge, he gave notice what Day he would have the *Comitia* meet to receive the Bill; the *Comitia Tributa* to conſider of Mulcts, and the *Centuriata* for capital Puniſhments.

But in the mean Time, there were ſeveral Ways by which the accuſed Party mighty be relieved; as firſt, if the Tribunes of the Commons interpoſed in his Behalf; or if he excuſed himſelf by a voluntary Exile, Sickneſs, or upon Account of providing for a Funeral; or if he prevailed with the Accuſer to relinquiſh his Charge, and let the Cauſe fall; or if upon the Day appointed for the *Comitia*, the *Augurs* diſcovered any ill Omens, and ſo forbad the Aſſembly.

If none of theſe happened, the *Comitia* met, and proceeded as has been already deſcribed; and as for the *Animadverſio*, or putting the Sentence in Execution, this was performed in the ſame Manner as in the *Prætorian* Judgments.

The Forms of Judgments which have been thus deſcribed, muſt be ſuppoſed to have prevailed chiefly in the Time of the free State: For as the Kings before, ſo the Emperors afterwards, were themſelves Judges in what Cauſes, and after what Manner they pleaſed, as *Suetonius* particularly informs us of almoſt all the twelve *Cæſars*. It was this gave Occaſion to the Riſe of the *Mandatores* and the *Delatores*, a Sort of Wretches to be met with in every Part of Hiſtory. The Buſineſs of the former was to mark down ſuch Perſons as upon Inquiſition they pretended to have found guilty of any Miſdemeanor; and the latter were employed in accuſing and proſecuting them upon the other's Order. This miſchievous Tribe, as they were countenanced

nanced and rewarded by bad Princes, ſo were they extremely deteſted by the good Emperors. *Titus* proſecuted all that could be found upon the moſt diligent Search, with Death or perpetual Baniſhment (*a*): And *Pliny* reckons it among the greateſt Praiſes of *Trajan*, that he had cleared the City from the perjured Race of Informers (*b*).

(*a*) *Sueton. in Tit.* cap. 8. (*b*) *Plin. in Panegyric.*

CHAP. XX.

Of the ROMAN *Puniſhments.*

THE accurate *Sigonius* has divided the Puniſhments into eight Sorts, *Damnum*, *Vincula*, *Verbera*, *Talio*, *Ignominia*, *Exilium*, *Servitus*, *Mors*.

Damnum was a pecuniary Mulct or Fine ſet upon the Offender, according to the Quality of the Crime.

Vinculum ſignifies the guilty Perſon's being condemned to Impriſonment and Fetters; of which they had many Sorts, as *Manicæ*, *Pedicæ*, *Nervi*, *Boiæ*, and the like. The public Priſon in *Rome* was built by *Ancus Martius*, near the *Forum* (*a*): To which a new Part was added by *Servius Tullius*, called thence *Tullianum*: *Saluſt* deſcribes the *Tullianum* as an Apartment under Ground (*b*), into which they put the moſt notorious Criminals. The higher Part, raiſed by *Ancus Martius*, has commonly the Name of the *Robur*; from the oaken Planks which compoſed it. For keeping the Priſon, beſides the *Triumviri*, was appointed a Sort of Goaler, whom *Valerius Maximus* calls *Cuſtos Carceris* (*c*), and *Pliny*, *Commentarienſis* (*d*).

Verbera, or Stripes, were inflicted either with Rods [*Virgæ*] or with Battoons [*Fuſtes*]: The firſt commonly preceded capital Puniſhments, properly ſo called: The other was moſt in Uſe in the Camp, and belonged to the military Diſcipline.

Talio was a Puniſhment by which the guilty Perſon ſuffered exactly after the ſame Manner as he had offended; as in Caſes of maiming, and the like. Yet *A. Gellius* informs us, that the Criminal was allowed the Liberty of compounding with the Perſon he had injured; ſo that he needed not ſuffer the *Talio*, unleſs he voluntarily choſe it (*e*).

(*a*) *Liv.* lib. 1. (*b*) *In Bello Catilinar.* (*c*) Lib. 5. (*d*) Lib. 7. cap. 58. (*e*) *Vide A. Gell.* lib. 11. cap. 1.

Ignominia

Ignominia was no more than a public Shame which the offending Perſon underwent, either by Virtue of the *Prætor*'s Edict, or more commonly by Order of the *Cenſor*: This Puniſhment, beſides the Scandal, took away from the Party on whom it was inflicted, the Privilege of bearing any Office, and almoſt all other Liberties of a *Roman* Citizen.

Exilium was not a Puniſhment immediately, but by Conſequence; for the Phraſe uſed in the Sentence and Laws, was *Aquæ & Ignis Interdictio*, the forbidding the Uſe of Water and Fire, which being neceſſary to Life, the condemned Perſon was obliged to leave his Country. Yet in the Times of the latter Emperors, we find it to have been a poſitive Puniſhment, as appears from the Civil Law. *Relegatio* may be reckoned under this Head, though it were ſomething different from the former; this being the ſending a Criminal to ſuch a Place, or for ſuch a Time, or perhaps for ever, by which the Party was not deprived of the Privilege of a Citizen of *Rome*, as he was in the firſt Sort of Baniſhment, which they properly called *Exilium*. *Suetonius* ſpeaks of a new Sort of *Relegatio* invented by the Emperor *Claudius*; by which he ordered ſuſpected Perſons not to ſtir three Miles from the City (*b*). Beſides this *Relegatio*, they had two other Kinds of Baniſhment, which they termed *Deportatio*, or *Proſcriptio*; though nothing is more common than to have them confounded in moſt Authors. *Deportatio*, or Tranſportation, differed in theſe Reſpects from *Relegatio*; that whereas the *Relegati* were condemned either to change their Country for a ſet Time, or for ever, and loſt neither their Eſtate and Goods, nor the Privilege of Citizens; on the contrary, the *Deportati* were always baniſhed for ever, and loſt both their Eſtate and Privileges, being counted dead in Law (*c*). And as for the *Proſcripti*, they are defined by the Lawyers to be *ſuch Perſons whoſe Names were fixed up in Tablets at the Forum, to the End that they might be brought to Juſtice; a Reward being propoſed to thoſe who took them, and a Puniſhment to thoſe who concealed them* (*d*). *Sylla* was the firſt Inventor of this Practice, and gave the greateſt Example of it that we meet with, *proſcribing* 2000 Knights and Senators at once (*e*). It is plain, that this was not a poſitive Baniſhment, but a forcing Perſons to make uſe of that Security; ſo that we may ſuppoſe it of a like Nature with our Outlawry.

(*b*) *Suet. in Claud.* cap. 33. (*c*) *Calvin. Lexicon. Juridic. in vcc. Deportati & Relegat.* (*d*) *Ibid. in voce Proſcripti.* (*e*) *Florus.* lib. 2. cap. 28.

Servitus

Servitus was a Punishment, by which the Criminal's Person, as well as Goods, were publicly exposed to Sale by Auction: This rarely happened to the Citizens, but was an usual Way of treating Captives taken in War, and therefore will be described hereafter.

Under the Head of Capital Punishments, the *Romans* reckoned extreme Banishment; because those who underwent that Sentence, were in a civil Sense dead. *Mors.* But because this Punishment has been already described, we are only now to take notice of such as reached the Offender's Life.

The chief of these were *Percussio securi*, *Strangulatio*, *Præcipitatio de robore*, *Dejectio è rupe Tarpeiâ*, *In crucem Actio*, and *Projectio in profluentem*.

The first was the same as beheading with us.

The second was performed in the Prison, as it is now in *Turkey*.

The third and fourth were a throwing the Criminal headlong, either from that Part of the Prison called *Robur*; or from the highest Part of the *Tarpeian* Mountain.

The fifth Punishment, namely Crucifixion, was seldom inflicted on any but Slaves, or the meanest of the Commons; yet we find some Examples of a different Practice; and *Suetonius* particularly relates of the Emperor *Galba*, that having condemned a *Roman* Citizen to suffer this Punishment for poisoning his Ward, the Gentleman, as he was carrying to Execution, made a grievous Complaint that a Citizen of *Rome* should undergo such a servile Death; alledging the Laws to the contrary: The Emperor hearing this Plea, promised to alleviate the Shame of his Sentence, and ordered a Cross much larger, and more neat than ordinary, to be erected, and to be washed over with white Paint, that the Gentleman who stood so much on his Quality, might have the Honour to be hanged in State (*a*).

The Cross and the *Furca*, are commonly taken for the same Thing in Authors; though, properly speaking, there was a great Difference between them. The *Furca* is divided by *Lipsius* into *Ignominiosa* and *Pœnalis*: The former, *Plutarch* describes to be that Piece of Wood which supports the Thill of a Waggon: He adds, that it was one of the greatest Penances for a Servant who had offended, to take this upon his Shoulders, and carry it about the Neighbourhood; for whoever was seen with this infamous Burden, had

(*a*) *Sueton. in Galba.* cap. 9.

no

no longer any Credit or Truſt among thoſe who knew it, but was called *Furcifer*, by way of Ignominy and Reproach (*a*). *Furca pænalis* was a Piece of Wood, much of the ſame Shape as the former, which was faſtened about the convicted Perſon's Neck, he being generally either ſcourged to Death under it, or lifted up by it upon the Croſs. *Lipſius* makes it the ſame with the *Patibulum*, and ſuppoſes, that notwithſtanding the Name, it might not be a forked Piece of Timber, but rather a ſtraight Beam, to which the Criminal's Arms being faſtened was hoiſted up at the Place of Execution, and ſerved for the tranſverſe Part of the Croſs.

Projectio in profluentem was a Puniſhment proper to the Crime of Parricide (or the Murder of any near Relation): The Perſon convicted of this unnatural Guilt, was immediately hooded, as unworthy of the common Light: In the next Place he was whipped with Rods; ſewed up in a Sack, and thrown into the Sea; or in inland Countries, into the next Lake or River. Afterwards, for an Addition to the Puniſhment, a Serpent uſed to be put into the Sack with the Criminal; and, in latter Times, an Ape, a Dog, and a Cock. The Sack which held the Malefactor was termed *Culeus*; and hence the Puniſhment itſelf is often ſignified by the ſame Name. The Reaſon of the Addition of the living Creatures is thought to have been, that the condemned Perſons might be tormented with ſuch troubleſome Company, and that their Carcaſſes might want both Burial and Reſt. *Juvenal* expreſly alludes to this Cuſtom in his Eighth Satyr:

Libera ſi dentur populo ſuffragia, quis tam
Perditus, ut dubitet Senecam *præferre* Neroni,
Cujus ſupplicio non debuit una parari
Simia, non Serpens unus, non Culeus unus.

Had we the Freedom to expreſs our Mind,
There's not a Wretch ſo much to Vice inclin'd,
But will own *Seneca* did far excell
His Pupil, by whoſe Tyranny he fell;
To expiate whoſe complicated Guilt,
With ſome Proportion to the Blood he ſpilt,
Rome ſhould more Serpents, Apes, and Sacks provide,
Than one, for the ſtupendous Parricide.

STEPNEY.

(*a*) *Vide Plutarch, in Coriolan.*

The

The ſame Poet in another Place intimates, that this Sack was made of Leather.

Tully, in his Defence of *Sextus Roſcius*, who ſtood arraigned for Parricide, has given an admirable Account of this Puniſhment, with the Reaſons on which it was grounded; particularly, that the Malefactor was thrown into the Sea, ſewed up in a Sack, for fear he ſhould pollute that Element, which was reckoned the common Purifier of all Things: With many the like ingenious Reflections.

Beſides the Puniſhments mentioned by *Sigonius*, who ſeems to conſider the *Roman* People as in a free State, we meet with Abundance of others, either invented or revived in the Times of the Emperors, and eſpecially in latter Ages: Among theſe, we may take notice of three, as the moſt conſiderable, *ad Ludos*, *ad Metalla*, *ad Beſtias*.

The Lawyers divide *Ludus*, when they take it for a Puniſhment, into *Venatorius* and *Gladiatorius* (*a*). By the former the convicted Perſons (commonly Slaves) were obliged to engage with the wild Beaſts in the Amphitheatre; by the latter, they were to perform the Part of *Gladiators*, and ſatisfy Juſtice by killing one another.

Ad Metalla, or a condemning to work in the Mines, *Suidas* would have to be invented by *Tarquinius Superbus* (*b*). Whatever Reaſon he had for this Aſſertion, it is certain we rarely find it mentioned till the Times of the later Emperors; and particularly in the Hiſtories of the Perſecutions of the *Chriſtians*, who were uſually ſent in great Numbers to this laborious and ſlaviſh Employment, with the Name of *Metallici*.

The throwing of Perſons to wild Beaſts, was never put in Execution, but upon the vileſt and moſt deſpicable Malefactors for Crimes of the higheſt Nature. This too was the common Puniſhment of the *Primitive Chriſtians*, as mentioned by the Writers of their Hiſtory. It may be obſerved, that the Phraſe, *Ad Beſtias dari* (*c*), affects as well ſuch Criminals as were condemned to fight with the Beaſts, as thoſe who were delivered to them to be devoured: And the former of theſe were properly termed *Beſtiarii* (*d*).

There is ſtill one Puniſhment remaining, worthy of Obſervation, and which ſeems to have been proper to Incendaries, and that was the wrapping up the Criminal in a Sort of Coat,

(*a*) *Calvin. Lexicon Juridic.* (*b*) *In voce σάκκος.* (*c*) *Calvin. in voc. ad Beſtias dari.* (*d*) *Ibid. in Beſtiarii.*

daubed over with Pitch, and then ſet on Fire. Thus when *Nero* had burnt *Rome*, to ſatisfy his Curioſity with the Proſpect; he contrived to lay the *Odium* on the *Chriſtians*, as a Sort of Men generally deteſted; and ſeizing on all he could diſcover, ordered them to be lighted up in this Manner, to ſerve for Tapers in the Dark; which was a much more cruel Jeſt than the former, that occaſioned it. *Juvenal* alludes to this Cuſtom in his Eighth Satyr.

Auſi quod liceat tunicâ punire moleſtâ.

To recompenſe whoſe barbarous Intent,
Pitch'd Shirts wou'd prove a legal Puniſhment.

CHAP. XXI.

Of the ROMAN LAWS *in general.*

IN the Beginning of the *Roman* State, we are aſſured all Things were managed by the ſole Authority of the King, without any certain Standard of Juſtice and Equity. But when the City grew tolerably populous, and was divided by *Romulus* into thirty *Curiæ*, he began to prefer Laws at the Aſſembly of thoſe *Curiæ*, which were confirmed, and univerſally received. The like Practice was followed by *Numa*, and ſeveral other Kings; all whoſe Conſtitutions being collected into one Body by *Sextus Papirius*, who lived in the Time of *Tarquin the Proud*, took from him the Name of *Jus Papirianum*.

But all theſe were abrogated ſoon after the Expulſion of the Royal Family, and the judicial Proceedings for many Years together depended only upon Cuſtom, and the Judgment of the Court. At laſt, to redreſs this Inconvenience, Commiſſioners were ſent into *Greece*, to make a Collection of the beſt Laws for the Service of their Country; and at their Return, the *Decemviri* were created to regulate the Buſineſs, who reduced them into twelve Tables, as has been already ſhewn. The Excellency of which Inſtitution, as it is ſufficiently ſet forth by moſt Authors, ſo is it eſpecially beholden to the high *Encomium* of *Cicero*, when he declares it as his poſitive Judgment and Opinion, That *the Laws of the Twelve Tables are juſtly to be preferred to whole Libraries of the Philoſophers* (*a*).

(*a*) *Cicero de Oratore*, lib. 1.

They

They were divided into three Parts; of which the firſt related to the Concerns of Religion; the ſecond to the Rights of the Public; and the laſt to private Perſons.

The Laws being eſtabliſhed, it neceſſarily followed, that there ſhould be Diſputations and Controverſies in the Courts, ſince the Interpretation was to be founded upon the Authority of the Learned. This Interpretation they called *Jus Civile*; though at preſent we underſtand by that Phraſe, the whole Syſtem of the *Roman* Laws.

Beſides, out of all theſe Laws the learned Men of that Time compoſed a Scheme of Forms and Caſes, by which the Proceſſes in the Courts were directed. Theſe were termed *Actiones Legis*.

We may add to theſe, the Laws preferred at the public Aſſemblies of the People; and the *Plebiſcita*, made without the Authority of the Senate, at the *Comitia Tributa*, which were allowed to be of equal Force with other Conſtitutions, though they were not honoured with the Title of *Leges*.

And then the *Senatus-conſulta*, and Edicts of the ſupreme Magiſtrates, particularly of the *Prætors*, made up two more Sorts of Laws, the laſt of which they called *Jus Honorarium*.

And, laſtly, when the Government was intruſted in the Hands of a ſingle Perſon, whatever he ordained had the Authority of a Law, with the Name of *Principalis Conſtitutio*.

Moſt of theſe daily increaſing, gave ſo much Scope to the Lawyers for compiling Reports and other Labours, that in the Reign of *Juſtinian*, there were extant two thouſand diſtinct Volumes on this Subject. The Body of the Law being thus grown unweildy, and rendered almoſt uſeleſs by its exceſſive Bulk, that excellent Emperor entered on a Deſign to bring it into juſt Dimenſions; which was happily accompliſhed by conſtituting thoſe four Books of the *Civil Law*, which are now extant, and have contributed, in a great Meaſure, to the regulation of all the States of *Chriſtendom*: So that the old Opinion of the *Romans*, relative to the Stability of their Laws, is not ſo vain as at firſt Sight it appears; ſince by their admirable Conſtruction, they are ſtill likely to govern for ever, being the Edifice upon which other Nations have founded their Laws.

CHAP. XXII.

Of the LAWS *in particular; and firſt, Of thoſe relating to* RELIGION.

AS for the Laws of the twelve Tables, and other more antient Inſtitutions, as it would require no ordinary Stock of Criticiſm barely to explain their Terms; ſo is the Knowledge of them almoſt uſeleſs, ſince they are ſo ſeldom mentioned by the Claſſics. Thoſe which we generally meet with, are ſuch as were preferred by ſome particular Magiſtrate, from whom they took their Names: Theſe, on Account of their frequently occurring in the beſt Writings, deſerve a ſhort Explication, according to the common Heads laid down by thoſe Authors, who have hitherto managed this Subject; beginning with ſuch as concerned the public Worſhip, and the Ceremonies of Religion.

Sulpicia Sempronia Lex, the Authors *P. Sulpicius Saverrio*, and *P. Sempronius Sophus*, in their Conſulſhip, *A.* 449, ordaining, that no Perſon ſhould conſecrate any Temple, or Altar, without an Order of the Senate, and the major Part of the Tribunes (*a*).

Papiria Lex, the Author *L. Papirius*, *Tribune* of the Commons; commanding, that no Perſon ſhould have the Liberty of conſecrating any Edifice, Place, or Thing, without Leave of the Commons (*b*).

Cornelia Lex, the Author *L. Cornelius Sylla*, determining the Expences of Funerals (*c*).

Sextia Licinia Lex, the Authors *L. Sextius* and *Licinius*, *Tribunes* of the Commons, *A.* 385, commanding, that inſtead of the *Duumviri ſacris faciundis*, a *Decemvirate* ſhould be created, part out of the *Patricians*, and part out of the Commons (*d*).

Ogulnia Lex, the Authors *Q.* and *Cn. Ogulnii*, *Tribunes* of the Commons, *A.* 453, commanding, that whereas there were then but four *Pontifices*, and four *Augurs*, five more ſhould be added out of the Commons to each Order (*e*).

(*a*) *Liv.* lib. 9. (*b*) *Cicero in Orat. pro Domo ſua.* (*c*) *Plut. in Sylla.* (*d*) *Liv.* lib. 6. (*e*) *Liv.* lib. 10.

Manlia

Manlia Lex, the Author *P. Manlius*, *Tribune* of the Commons, *A.* 557, enacted for the Revival of the *Trefviri Epulones*, an old Inſtitution of *Numa*'s (*a*).

Clodia Lex, the Author *P. Clodius* in his *Tribuneſhip*, *A.* 695, diveſting the Prieſt of *Cybele* (or the *Great Mother*, who came from *Peſſinum*) of his Office, and conferring it on *Brotigarus* a *Gallo-Græcian* (*b*).

Papia Lex, ordering the Manner of chuſing the *Veſtal* Virgins (*c*), as has been already deſcribed.

The Puniſhment of thoſe holy Recluſes is grounded on the Laws of *Numa*.

Licinia Lex, preferred by *C. Licinius Craſſus*, *Tribune* of the Commons, *A.* 608, for transferring the Right of chuſing Prieſts, from the College to the People (*d*); but it did not paſs (*e*).

Domitia Lex, the Author *Cn. Domitius Ahenobarbus*, *Tribune* of the Commons, *A.* 650, actually transferring the ſaid Right to the People (*f*).

Cornelia Lex, the Author *L. Cornelius Sylla*, *Dictator*, and *Conſul* with *Q. Metellus*, *A.* 677, abrogating the former Law of *Domitius*, and reſtoring the Privilege there mentioned to the College (*g*).

Atia Lex, the Author *T. Atius Labienus*, *Tribune* of the Commons, *A.* 690, repealing the *Cornelian* Law, and reſtoring the *Domitian* (*h*).

Antonia Lex, the Author *M. Antony* in his Conſulſhip with *Julius Cæſar*, *A.* 709, abrogating the *Atian* Law, and reſtoring the *Cornelian* (*i*). *Paulus Manutius* has conjectured from ſeveral Reaſons, that this Law of *Antony* was afterwards repealed, and the Right of chuſing Prieſts entruſted to the People.

To this Head is commonly referred the Law on the Exemption from military Service, or *de Vacatione*, in which there was a very remarkable Clauſe, *Niſi Bellum Gallicum exoriatur: Unleſs in Caſe of a* Gallic *Inſurrection*. In which Caſe, no Perſon, not the Prieſts themſelves, were excuſed; the *Romans* apprehending more Danger from the *Gauls* than from any other Nation, as they had once taken their City (*k*).

As alſo the three Laws about the *Shows*.

(*a*) *Cic. de Orat.* lib. 3. (*b*) *Idem Orat. pro Seſt. & de Haruſp. Reſponſ.* (*c*) *A. Gellius.* (*d*) *Cic. de Amicitia.* (*e*) *Idem.* (*f*) *Suet. in Ner. Patercul.* lib. 2. *Cic. Agrar.* 2. (*g*) *Aſconius in Divinatione.* (*h*) *Dio*, lib. 37. (*i*) *Dio*, lib. 44. (*k*) *Plut. in Marcel. Cic. pro Fonteio & Philip.* 8.

Licinia Lex, the Author *P. Licinius Varus*, *City-Prætor*, *A.* 545. ſettling the Day for the Celebration of the *Ludi Apollinares*, which before was uncertain (*a*).

Roſcia Lex Theatralis, the Author *L. Roſcius Otho*, *Tribune* of the Commons, *A.* 685, ordaining, that none ſhould ſit in the firſt fourteen Seats of the Theatre, unleſs they were worth four hundred *Seſtertiums*, which was then reckoned the *Cenſus Equeſtris* (*b*).

Auguſtus Cæſar, after ſeveral of the *Equeſtrian* Families had impaired their Eſtates in the Civil Wars, interpreted this Law ſo as to take in all thoſe whoſe Anceſtors ever had poſſeſſed the Sum there ſpecified.

(*a*) *Liv.* lib. 27. *Alex. Neapolitan.* &c. (*b*) *Cic. Philip.* 2. *Aſcon. in Cornelian. Juven.* Sat. 3. & 14. *Horat.* Epod. 4. Epiſt. 1.

CHAP. XXIII.

LAWS *relating to the Rights and Privileges of the* ROMAN *Citizens.*

VALERIA Lex de Provocatione, the Author *P. Valerius Poplicola*, ſole Conſul upon the Death of his Collegue *Brutus*, *A.* 243, giving Liberty to appeal from any Magiſtrate to the People, and ordering that no Magiſtrate ſhould puniſh a *Roman* Citizen in Caſe of ſuch an Appeal (*a*).

Valeria Horatia Lex, the Authors *L. Valerius* and *M. Horatius*, Conſuls, *A.* 304, reviving the former Law, which had loſt its Force under the *Decemvirate* (*b*).

Valeria Lex Tertia, the Author *M. Valerius Corvinus*, in his Conſulſhip with *Q. Apuleius Panſa*, *A.* 453, no more than a Confirmation of the firſt *Valerian* Law (*c*).

Porcia Lex, the Author *M. Porcius*, *Tribune* of the Commons, in the ſame Year as the former; commanding, that no Magiſtrate ſhould execute, or puniſh with Rods, a Citizen of *Rome*; but upon the Sentence of Condemnation, ſhould give him Permiſſion to go into Exile (*d*).

(*a*) *Liv.* lib. 9. *Plut. in Poplicol.* &c. (*b*) *Liv.* lib. 3. (*c*) *Liv.* lib. 10. (*d*) *Liv.* lib. 10. *Cic. pro Rabirio. Saluſt. in Catilinar. Sueton. in Ner.* &c.

Sem-

Sempronia Lex, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 630, commanding, that no capital Judgment ſhould paſs upon a Citizen, without the Authority of the People, and making ſeveral other Regulations in this Affair (*a*).

Papia Lex de Peregrinis, the Author *C. Papius*, *Tribune* of the Commons, *A.* 688, commanding, that all Strangers ſhould be expelled *Rome* (*b*).

Junia Lex, the Author *M. Junius Pennus*, confirming the former Law, and forbidding, that any Stranger ſhould be allowed the Privilege of Citizens (*c*).

Servilia Lex, the Author *C. Servilius Glaucia*, ordaining, that if any *Latin* accuſed a *Roman* Senator, ſo that he was convicted, the Accuſer ſhould be honoured with the Privilege of a Citizen of *Rome* (*d*).

Licinia Mutia Lex, the Authors, *L. Licinius Craſſus*, and *Q. Mutius Scævola*, in their Conſulſhip, *A.* 658, ordering all the Inhabitants of *Italy* to be enrolled in the Liſt of Citizens, in their own proper Cities (*e*).

Livia Lex de Sociis: In the Year of the City 662, *M. Livius Druſus* propoſed a Law to make all the *Italians* free Denizens of *Rome*; but before it came to be voted, he was found murdered in his Houſe, the Author unknown (*f*).

Varia Lex: Upon the Death of *Druſus*, the Knights prevailed with his Collegue *Q. Varius Hybrida*, to bring in a Bill for the proſecuting all ſuch Perſons as ſhould be diſcovered to have aſſiſted the *Italian* People, in the Petition for the Privilege of the City (*g*).

Julia Lex de Civitate: The next Year, upon the Revolt of ſeveral States in *Italy* (which they called the *Social War*) *L. Julius Cæſar*, the Conſul, made a Law, that all thoſe People, who had continued firm to the *Roman* Intereſt, ſhould have the Privilege of Citizens (*h*): And in the Year 664, upon the Concluſion of that War, all the *Italian* People were admitted into the Roll of Free Denizens, and divided into eight new Tribes (*i*).

Sylvani & Carbonis Lex, the Authors *Sylvanus* and *Carbo*, *Tribunes* of the Commons, in the Year 664, ordaining, that any Perſons who had been admitted Free Denizens of any of the Confederate Cities, and had a Dwelling in *Italy* at the

(*a*) *Cic. pro Rabirio, pro Domo ſua, pro Cluentio*, &c. (*b*) *Cic. pro Balbo.* (*c*) *Cic. de Offic.* lib. 3. (*d*) *Aſcon. in Orat. pro Scauro. Cic. pro Balbo.* (*e*) *Cic. de Offic.* lib. 3. & *pro Balbo.* (*f*) *Flor.* lib. 3. cap. 17. *Cic. de Leg.* lib. 3 (*g*) *Cic. in Bruto, Val. Max.* lib. 8. cap. 6. (*h*) *Cic. pro Balbo.* (*i*) *Appian.* lib. 1.

Time of making this Law, and had carried in their Names to the *Prætor* in ſixty Days, ſhould have the Privilege of Citizens of *Rome* (*a*).

Sulpicia Lex, the Author *P. Sulpicius*, *Tribune* of the Commons, *A.* 666, ordaining, that the new Citizens, who compoſed the eight Tribes, ſhould be divided among the thirty-five old Tribes, as a greater Honour (*b*).

Cornelia Lex, the Author *L. Cornelius Sylla*, 670, a Confirmation of the former Law, to pleaſe the *Italian* Confederates (*c*).

Cornelia Lex de Municipiis, the Author the ſame *Sylla*, in his Dictatorſhip, taking away the Privileges formerly granted to the Corporate Towns, from as many as had aſſiſted *Marius*, *Cinna*, *Sulpicius*, or any of the contrary Faction (*d*).

Gellia Cornelia Lex, the Authors *L. Gellius Poplicola* and *Cn. Cornelius Lentulus*, *A.* 681, ordaining, that all thoſe Perſons whom *Pompey*, by his own Authority, had honoured with the Privilege of the City, ſhould keep that Liberty (*e*).

(*a*) *Cic. pro Archia.* (*b*) *Plut. in Sylla. Epit. Liv.* 77. (*c*) *Epit. Liv.* 68. (*d*) *Cic. pro Domo ſua.* (*e*) *Cic. pro Balbo.*

CHAP. XXIV.

LAWS *concerning Meetings and Aſſemblies.*

ÆLIA Lex, ordaining, that in all Aſſemblies of the People, the *Augurs* ſhould make Obſervations from the Heavens; and, that the Magiſtrate ſhould have the Power of declaring againſt Proceeding, and of interpoſing in the Deciſion of any Matter.

Fuſia Lex, ordaining, that upon ſome certain Days, though they were *Faſti*, it ſhould be unlawful to tranſact any Thing in a Meeting of the People.

The Authors of theſe two Laws are unknown; but *P. Manutius* conjectures, that the firſt is owing to *Q. Ælius Pætus*, Conſul with *M. Junius Pennus*, *A.* 586. The other to *P. Furius*, or *Fuſius*, Conſul with *S. Attilius Serranus*, *A.* 617. The Laws themſelves frequently occur in Writers.

Clodia Lex, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695, containing an Abrogation of the greateſt Part of

of the two former Laws, and ordering, That no Obſervation ſhould be made from the Heavens upon the Days of the *Comitia*; and, That on any of the *Dies Faſti*, Laws might be enacted in a public Aſſembly (*a*).

Curia Lex, the Author *M. Curius Dentatus*, *Tribune* of the Commons, *A.* 455, ordaining, That no *Comitia* ſhould be convened for the Election of Magiſtrates, without the Approbation of the Senate: *Ut ante Comitia Magiſtratuum Patres auctores fierent* (*b*).

Claudia Lex, the Author, *M. Claudius Marcellus*, Conſul with *Serv. Sulpicius Rufus*, *A.* 702, ordering, That at the *Comitia* for the Election of Magiſtrates, no Account ſhould be taken of the Abſent (*c*).

Gabinia Lex, the Author *A. Gabinius*, *Tribune* of the Commons, *A.* 614, commanding, That in the *Comitia* for the Election of *Magiſtrates*, the People ſhould not give their Suffrages *vivâ voce*, but by Tablets, for the greater Freedom and Impartiality of the Proceedings (*d*).

Caſſia Lex, enacted about two Years after, commanding, That in the Courts of Juſtice, and in the *Comitia Tributa*, the Votes ſhould be given in a free Manner; that is, by Tablets (*e*).

Papiria Lex, the Author *C. Papirius Carbo*, *Tribune* of the Commons, *A.* 621, ordaining, That in the *Comitia* about the paſſing or rejecting of Laws, the Suffrages ſhould be given by Tablets (*f*).

Cœlia Lex, the Author *Cœlius*, *Tribune* of the Commons, *A.* 635, ordaining, That in the judicial Proceedings before the People, in Caſes of Treaſon (which had been excepted by the *Caſſian* Law) the Votes ſhould be given by Tablets (*g*).

Sempronia Lex, the Author *C. Sempronius Gracchus*, in the ſame Year as the former; ordering, that the *Centuries* ſhould be choſen out by Lot to give their Votes, and not according to the Order of the *Claſſes* (*h*).

Maria Lex, the Author *C. Marius*, *Tribune* of the Commons, *A.* 634, ordering the Bridges, or long Planks, on which the People ſtood in the *Comitia* to give their Voices, to be made narrower, that no other Perſon might ſtand there, to hinder the Proceedings by Appeals or other Diſturbances (*i*).

(*a*) *Aſcon. in Piſon.* (*b*) *Cic. de claris Oratoribus.* (*c*) *Suet. in Julio.* (*d*) *Cic. de Amicit. & pro Plancio. & de Leg.* lib. 3. (*e*) *Cic. in Lælio.* (*f*) *Cic. de Leg.* lib. 3. (*g*) *Id. Ibid.* (*h*) *Saluſt. in Orat. 2. ad Cæſarem.* (*i*) *Cic. de Leg.* lib. 3. *Plut. in Mario.*

Sempronia

Sempronia Lex, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 565, ordaining, That the *Latin* Confederates ſhould have the Privilege of giving their Suffrage, as well as the *Roman* Citizens (*a*).

Manilia Lex, the Author *C. Manilius*, *Tribune* of the Commons, *A.* 687, ordering, That the *Libertini* ſhould have the Privilege of Voting in all the Tribes (*b*).

Gabinia Lex, a Confirmation of an old Law of the twelve Tables, making it a capital Offence for any Perſon to convene a clandeſtine Aſſembly (*c*).

(*a*) *Cic. ſæpiſſime.* (*b*) *Cic. pro lege Manilia.* (*c*) *Saluſt* in *Catilinar.*

CHAP. XXV.

LAWS *relating to the* SENATE.

CASSIA Lex, the Author *L. Caſſius Longinus*, *Tribune* of the Commons, *A.* 649, ordaining, That no Perſon who had been condemned or deprived of his Office by the People, ſhould have the Privilege of coming into the Senate (*a*).

Claudia Lex, the Author *Q. Claudius*, *Tribune* of the Commons, *A.* 535, commanding, That no Senator, or Father of a Senator, ſhould poſſeſs a ſailing Veſſel of above three hundred *Amphoræ*: This was thought big enough for the bringing over Fruits and other Neceſſaries; and as for Gain, procured by Trading in Merchandize, they thought it unworthy the Dignity of that Order (*b*).

Sulpicia Lex, the Author *Servius Sulpicius*, *Tribune* of the Commons, *A.* 665, requiring, That no Senator ſhould owe above two thouſand *Drachmæ* (*c*).

Sentia Lex, the Author (probably) *C. Sentius*, Conſul with *Q. Lucretius*, *A.* 734, in the Time of *Auguſtus*; ordering, That in the Room of ſuch Noblemen as were wanting in the Senate, others ſhould be ſubſtituted (*d*).

Gabinia Lex, the Author, *A. Gabinius*, *Tribune* of the Commons, *A.* 685, ordaining, That the Senate ſhould be convened from the Kalends of *February*, to the Kalends of *March*, every Day, for giving Audience to foreign Miniſters (*e*).

(*a*) *Aſcon.* in *Cornelian.* (*b*) *Cic. Verrin.* 7. (*c*) *Plut.* in *Sylla.* (*d*) *Tacit. An.* 2. (*e*) *Cic. Epiſt. ad Quin. Fratr.* lib. 2. ep. 12.

Pupia

Pupia Lex, ordaining, That the Senate ſhould not be convened from the Eighteenth of the Kalends of *February*, to the Kalends of the ſame Month; and that before the Embaſſies were either accepted or rejected, the Senate ſhould be held on no other Account (*a*).

Tullia Lex, the Author *M. Tullius Cicero*, Conſul with *C. Antony*, *A.* 690, ordaining, that ſuch Perſons to whom the Senate had allowed the Favour of a *Libera Legatio*, ſhould hold that Honour no longer than a Year. *Libera Legatio* was a Privilege that the Senators often obtained for going into any Province, or Country, where they had ſome private Buſineſs, in the Quality of Lieutenants; though with no Command, but only that the Dignity of their Titular Office might have an Influence on the Management of their private Concerns (*b*).

(*a*) *Cic.* lib. 1. ep. 4. *ad Lentul.* lib. 2. ep. 2. *ad Quin. Fratr.* &c. (*b*) *Cic. de Leg.* lib. 3.

CHAP. XXVI.

LAWS *relating to the* MAGISTRATES.

LEX Villia Annalis, or *Annaria*, the Author *L. Villius* (for whom we ſometimes find *L. Julius*, or *Lucius Tullus*) *Tribune* of the Commons, *A.* 574, defining the proper Age requiſite for being appointed to the Magiſtracies (*a*). *Livy*, who relates the making of this Law, does not inſiſt on the particular Ages; and learned Men are very much divided on it. *Lipſius* ſtates the Difference after this Manner: The Age proper to ſue for the *Quæſtorſhip*, he makes twenty-five Years; for the *Ædiles* and *Tribunes*, twenty-ſeven or twenty-eight; thirty for the *Prætor*, and forty-two for the *Conſuls*.

Genutia Lex, the Author *L. Genutius*, *Tribune* of the Commons, *A.* 411, commanding, That no Perſon ſhould bear the ſame Magiſtracy within the Period of ten Years, nor ſhould be inveſted with two Offices in one Year (*b*).

Cornelia Lex, the Author *Cornelius Sylla* the Dictator, *A.* 673, a Repetition and Confirmation of the former Law (*c*).

Sempronia Lex, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 630, ordaining, That no Perſon, who had been lawfully deprived of his Magiſtracy, ſhould be capable of bearing an Office again. This was abrogated afterwards by the Author (*d*).

(*a*) *Liv.* lib. 40. (*b*) *Idem.* lib. 7. (*c*) *Appian.* lib. 1. *Bell. Civil.* (*d*) *Plut. in Gracchis.*

Cornelia

Cornelia Lex, the Author *L. Cornelius Sylla*, Dictator; ordaining, That such Persons as had embraced his Party in the late Troubles, should have the Privilege of bearing Honours before they were capable by Age; and that the Children of those who had been *proscribed*, should lose the Power of standing for any Office (*a*).

Hirtia Lex, the Author *A. Hirtius*; ordaining, That none of *Pompey*'s Party should be admitted to any Dignity (*b*).

Sextia Licinia Lex, the Authors *C. Licinius* and *L. Sextius*, *Tribunes* of the Commons, *A.* 386; ordaining, That one of the *Consuls* should be chosen out of the Body of the Commons (*c*).

Genutia Lex, the Author *L. Genutius*, *Tribune* of the Commons, *A.* 411; making it lawful that both *Consuls* might be taken out of the Commons (*d*).

Cornelia Lex, the Author *L. Cornelius Sylla*, Dictator, *A.* 673; ordaining, That the *Prætors* should always use the same Method in judicial Processes. For the *Prætors* used, upon the Entrance on their Office, to put up an Edict to shew what Way they designed to proceed in all Causes during their Year: These Edicts, which before commonly varied, were by this Law ordered to be always the same, for the preserving a constant and regular Course of Justice (*e*).

Marcia Lex, the Author *Marcius Censorinus*, forbidding any Person to bear the *Censorship* twice (*f*).

Clodia Lex, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695; ordering, That the *Censors* should put no Mark of Infamy on any Person in their general Surveys, unless the Person had been accused and condemned by both the *Censors*; whereas before, they used to punish Persons, by omitting their Names in the Surveys, and by other Means, whether they were accused or not: And what one *Censor* did, unless the other actually interposed, was of equal Force, as if both had joined in the Action (*g*).

Cæcilia Lex, the Author *Q. Cæcilius Metellus Pius Scipio*, Consul with *Pompey the Great*, *A.* 701, restoring their antient Dignity and Power to the *Censors*, which had been retrenched by the former Law (*b*).

Antonia Lex, the Author *M. Antony*, a Member of the *Triumvirate*; ordaining, That for the future, no Proposal should be ever made for the Creation of a *Dictator*; and that no Person should ever accept of that Office, upon Pain of incurring a capital Penalty (*i*).

(*a*) *Plin.* lib. 7. *Quintil.* lib. 11 cap. 1. *Cic.* in *Pison.* (*b*) *Cic Philip.* 13. (*c*) *Liv.* lib. 6. (*d*) *Idem.* lib. 7. (*e*) *Cic. Philip.* 2. (*f*) *Plut.* in *Coriol.* (*g*) *Cic.* in *Pison. pro Milon. pro Sectio*, &c. (*h*) *Dio*, lib. 40. (*i*) *Appian. de Bello Civ.* lib. 3.

Titia

Titia Lex, the Author *P. Titius*, *Tribune* of the Commons, *A.* 710; ordaining, That a Triumvirate of Magiſtrates, inveſted with Conſular Power, ſhould be ſettled for five Years, for regulating the Commonwealth; and that the Honour ſhould be conferred on *Octavius*, *Lepidus*, and *Antony* (*a*).

Valeria Lex, the Author *P. Valerius Poplicola*, ſole Conſul, *A.* 243; ordaining, That the public Treaſure ſhould be laid up in the Temple of *Saturn*, and that two *Quæſtors* ſhould be created to ſuperviſe it (*b*).

Junia Sacrata Lex, the Author *L. Junius Brutus*, the firſt *Tribune* of the Commons, *A.* 260, ordaining, That the Perſons of the *Tribunes* ſhould be ſacred: that an Appeal might be made to them from the Determinations of the *Conſuls:* And, that none of the Senators ſhould be capable of that Office (*c*).

Atinia Lex, the Author *Atinius*, *Tribune* of the Commons; ordaining, That any Tribune of the Commons ſhould have the Privilege of a Senator; and, as ſuch, take his Place in the Houſe (*d*).

Cornelia Lex, the Author *L. Cornel. Sylla*, Dictator, *A.* 673. taking from the *Tribunes* the Power of making Laws, and of interpoſing, of holding Aſſemblies and receiving Appeals, and making all that had filled that Office, incapable of any other Dignity in the Commonwealth (*g*).

Aurelia Lex, the Author *C. Aurelius Cotta*, Conſul with *L. Octavius*, *A.* 678, an Abrogation of ſome Part of the former Law, allowing the *Tribunes* to hold other Offices afterwards (*f*).

Pompeia Lex, the Author *Pompey the Great*, Conſul with *M. Craſſus*, *A.* 683, reſtoring their full Power and Authority to the *Tribunes*, which had been taken from them by the *Cornelian* Law (*g*).

(*a*) *Flor. Epit. Liv.* lib. 120. (*b*) *Liv.* lib. 2. *Plut.* in *Poplicol.* (*c*) *Dionyſ.* lib. 6. (*d*) *A. Gell.* lib. 14. cap. *ult.* (*e*) *Cic. de Leg.* lib. 3. *Cæſar. Comm. de Bell. Gall.* lib. 1. *Flor. Plut.* &c. (*f*) *Patercul.* lib. 2. *Aſcon.* in *Cornel.* in *ver.* (*g*) *Plut. in Pomp. Aſcon. ver.* 1. & 2. *Cæſar de Bell. Civ.* lib. 1.

CHAP.

CHAP. XXVII.

LAWS *relating to Public Conſtitutions, Laws, and Privileges.*

HORTENSIA Lex, the Author Q. *Hortenſius*, Dictator, *A.* 467, ordaining, That whatever was enacted by the Commons, ſhould be obſerved by the whole *Roman* People; whereas the Nobility had been formerly exempted from paying Obedience to the Decrees of the Populace (*a*).

Cæcilia Didia Lex, the Authors Q. *Cæciſius Metellus* and *T. Didius*, Conſuls, *A.* 655, for regulating the Proceedings in enacting Laws; ordaining, That in one *Queſtion* (*unâ rogatione*) but one ſingle Matter ſhould be propoſed to the People; leſt, while they gave their Suffrage in one Word, they ſhould be forced to aſſent to a whole Bill, if they liked the greateſt Part of it, though they diſliked the reſt; or throw out a Bill for ſeveral Clauſes which they did not approve of, though perhaps they would have been willing to paſs ſome Part of it. Requiring alſo, that before any Law was preferred at the *Comitia*, it ſhould be expoſed to the public View three Market-Days (*tribus nundinis*) before-hand (*b*).

P. Manutius makes the *Cæcilian* and *Didian* two diſtinct Laws; the firſt Part compoſing the former, and the other the latter.

Junia Licinia Lex, the Authors *D. Junius Silanus* and *L. Licinius Muræna*, Conſuls, *A.* 691, ordaining, That ſuch as did not obſerve the former Law, relative to publiſhing the Draughts of new Bills for three *Nundinæ*, ſhould incur a greater Penalty than the ſaid Law enjoined (*c*).

Licinia Æbutia Lex, the Authors *Licinius* and *Æbutius*, *Tribunes* of the Commons; ordaining, That when any Law was preferred relating to any Charge or Power, not only the Perſon who brought in the Bill, but likewiſe his Collegues in any Office which he already enjoyed, and all his Relations, ſhould be incapable of being inveſted with the ſaid Charge or Power (*d*).

(*a*) *Flor. Epit. Liv.* lib. 11. (*b*) *A. Gell.* lib. 15. cap. 27. *Cic. Philip.* 5. *pro Domo, ad Attic.* Epiſt. 9. lib. 2. (*c*) *Cic. Philip.* 3. *Alt. ad* Epiſt. 5. lib. 2. Epiſt. 15. lib. 4. (*d*) *Cic. in* Orat. 2. *contra Rull.* & in Orat. *pro Domo ſua.*

Cornelia

Cornelia Lex, the Author *C. Cornelius*, *Tribune* of the Commons, *A.* 686, ordaining, that no Perſon ſhould, by the Votes of the Senate, be exempted from any Law, (as uſed to be allowed upon extraordinary Occaſions) unleſs two hundred Senators were preſent in the Houſe; and that no Perſon thus excuſed by the Senate, ſhould hinder the Bill of his Exemption from being carried afterwards to the Commons for their Approbation (*a*).

Ampia Labiena Lex, the Authors *T. Ampius* and *T. Labienus*, *Tribunes* of the Commons, *A.* 693, conferring an honourable Privilege on *Pompey the Great*, that at the *Circenſian* Games he ſhould wear a Golden Crown, and be habited in all the Triumphal Robes; and that at the Stage Plays he ſhould have the Liberty of wearing the *Prætexta*, and a Golden Crown (*b*).

(*a*) *Aſcon.* in *Cornel.* (*b*) *Vell. Paterc.* lib. 2.

CHAP. XXVIII.

LAWS *relating to the Provinces, and the Governors of them*

Sempronia Lex, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 630, ordaining, that before the annual *Comitia* for chuſing *Conſuls*, the *Senate* ſhould, at their Pleaſure, determine the particular Conſular Provinces, which the new *Conſuls*, when deſigned, ſhould divide by Lot. As alſo, that whereas formerly the *Tribunes* had been allowed the Privilege of interpoſing againſt a Decree of the *Senate*, they ſhould be deprived of that Liberty for the future (*a*).

Cornelia Lex, the Author *L. Cornelius Sylla*, *Dictator*, *A.* 673, ordaining, that whoever was ſent with any Command into a Province, ſhould hold that Command till he returned to *Rome*; whereas before, their Officer was to continue no longer than a ſet Time; upon the Expiration of which, if no Succeſſor was ſent in their Room, they were put to the Trouble and Inconvenience of getting a new Commiſſion from the *Senate*.

It was a Clauſe in this Law, that every Governor of a Province, when another was ſent to ſucceed him, ſhould have thirty Days allowed him in Order to his Removal (*b*).

(*a*) *Cic. pro Domo ſua, in Vatin. de Provinciis Conſul. Saluſt. in Bell. Jugurth.*
(*b*) *Cicero*, Epiſt. 9. *ad Lentul.* & lib. 3. *ad Attic.* Epiſt. 6.

Julia

Julia Lex Prima, the Author *C. Julius Cæsar, Conſul* with *M. Calpurnius Bibulus*, *A.* 691. comprized under it ſeveral Heads; as that *Achaia*, *Theſſaly*, and all *Greece*, ſhould be entirely free; and that the *Roman* Magiſtrates ſhould ſit as Judges in thoſe Provinces (*a*): That the Towns and Villages thro' which the *Roman* Magiſtrates paſſed to the Provinces, ſhould be obliged to ſupply them and their Retinue with Hay and other Conveniencies on the Road (*b*): That the Governors, when their Office was expired, ſhould leave a Scheme of their Accounts in two Cities of their Provinces; and at their Arrival at *Rome*, ſhould deliver in a Copy of the ſaid Accounts at the public Treaſury (*c*): That the Governors of Provinces ſhould upon no Account accept of a Golden Coronet, unleſs a Triumph had been decreed them by the Senate (*d*): That no chief Commander ſhould go beyond the Bounds of his Province, or enter on any other Dominions, or lead the Army out, or engage in any War, without the expreſs Order of the *Senate* or People (*e*).

Julia Lex Secunda, the Author the ſame *Julius Cæſar*, in his Dictatorſhip, ordaining, that no *Prætorian Province* ſhould be held above a Year, and no *Conſular* Province more than two Years (*f*).

Clodia Lex, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695, ordaining, that all *Syria*, *Babylon*, and *Perſia*, ſhould be committed to *Gabinius* the *Conſul*; and *Macedon*, *Achaia*, *Theſſaly*, *Greece*, and *Bœotia* to his Collegue *Piſo*, with the Proconſular Power; and that a Sum ſhould be paid them out of the Treaſury to defray the Charges of their March thither with an Army (*g*).

Vatinia Lex, the Author *P. Vatinius*, *Tribune* of the Commons, *A.* 694, ordaining, that the Command of all *Gallia Ciſalpina*, and *Illyricum*, ſhould be conferred on *Cæſar* for five Years together, without a Decree of the *Senate*, and without the Formality of caſting Lots: That the particular Perſons mentioned in the Bill, ſhould go with him in the Quality of *Legati*, without the Deputation of the Senate: That the Army to be ſent with him ſhould be paid out of the Treaſury; and that he ſhould tranſplant a Colony into the Town of *Novocomum* in *Gallia* (*h*).

(*a*) *Cic. pro Domo*, in *Piſonem*, & *de Provinc. Conſul.* (*b*) *Cicero* in *Piſonem.* (*c*) *Ibid.* (*d*) *Ibid.* (*e*) *Ibid.* & *pro Poſthum.* (*f*) *Cicero Philip.* 3. (*g*) *Cicero pro Domo*, & *pro Sextio.* (*h*) *Cicero in Vatinium*, & *pro Balbo*, *Sueton. in Julio. Saluſt.* in *Jugurth.*

Clodia

Clodia Lex de Cypro, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695, ordaining, that the Iſland of *Cyprus* ſhould be reduced into a *Roman* Province: That *Ptolomy* King of *Cyprus*, ſhould be publicly expoſed to Sale, habited in all his Regal Ornaments; and his Goods in like Manner ſold by Auction: That *M. Cato* ſhould be ſent with the *Prætorian* Power into *Cyprus*, to take Care of ſelling the King's Effects, and conveying the Money to *Rome* (*a*).

Trebonia Lex, the Author *L. Trebonius*, *Tribune* of the Commons, *A.* 698, decreeing the chief Command in *Gallia* to *Cæſar*, five Years longer than had been ordered by the *Vatinian* Law; and ſo depriving the Senate of the Power of recalling him, and ſubſtituting another General in his Room (*b*).

Titia Lex, barely mentioned by *Cicero* (*c*), and not explained by *Manutius* or *Roſinus*. The Purport of it ſeems to have been, that the Provincial *Quæſtors* ſhould take their Places by Lot, in the ſame Manner as the *Conſuls* and *Prætors*; as may be gathered from the Scope of the Paſſage in which we find it.

(*a*) *Cicero pro Domo, pro Sextio, de Provin. Conſular.* (*b*) *Cicero*, lib. 8, 9, 10. *Epiſt. ad Attic. Florus, Epit. Liv.* lib. 105. (*c*) In *Orat. pro Muræna.*

CHAP. XXIX.

LEGES AGRARIÆ, *or Laws relating to the Diviſion of Lands among the People.*

Caſſia Lex, the Author *Sp. Caſſius Viſcellinus*, Conſul with *Proculus Virginius*, *A.* 267, ordaining, that the Land taken from the *Hernici* ſhould be divided half among the *Latins*, and half among the *Roman* Commons (*a*). This Law did not hold.

Licinia Lex, the Author *C. Licinius Stolo*, *Tribune* of the Commons, *A.* 377, ordaining, that no Perſon ſhould poſſeſs above five hundred Acres of Land; or keep more than an hundred Head of great, or five hundred Head of ſmall Cattle (*b*).

Flaminia Lex, the Author *C. Flaminius*, *Tribune* of the Commons, *A.* 525, ordaining, that *Picenum*, a Part of *Gallia*,

(*a*) *Liv.* lib. 2. *Valer. Max.* lib. 5. cap. 8. (*b*) *Liv.* lib. 6. *Appian. A. Gellius. Plin. Patercul. Plutarch.* &c.

whence the *Senones* had been expelled, ſhould be divided among the *Roman* Soldiers (*a*).

Sempronia Lex prima, the Author *T. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 620, confirming the *Licinian* Law, and requiring all Perſons who held more Land than that Law allowed, immediately to reſign it into the Common, to be divided among the poorer Citizens, conſtituting three Officers to take care of the Buſineſs (*b*).

This Law being levelled directly againſt the Intereſt of the richer Men of the City, who had by Degrees contrived to engroſs almoſt all the Land to themſelves, after great Heats and Tumults, at laſt coſt the Author his Life.

Sempronia Lex altera, preferred by the ſame Perſon, upon the Death of King *Attalus*, who left the *Roman* State his Heir: It ordained, that all the ready Money found in the King's Treaſury ſhould be beſtowed on the poorer Citizens, to ſupply them with Inſtruments and other Conveniencies required for Agriculture; And that the King's Lands ſhould be farmed at an annual Rent by the *Cenſors*; which Rent ſhould be divided among the People (*c*).

Thoria Lex, the Author *Sp. Thorius*, *Tribune* of the Commons, ordaining, that no Perſon ſhould pay any Rent to the People, of the Lands which he poſſeſſed; and regulating the Affair of Grazing, and Paſture (*d*). Two large Fragments of this Law, which was of a great Length, are copied from two old brazen Tables, by *Sigonius* (*e*).

Cornelia Lex, the Author *L. Cornelius Sylla*, *Dictator*, and *Conſul* with *Q. Metellus*, *A.* 673, ordaining that the Lands of proſcribed Perſons ſhould be common. This is chiefly to be underſtood of the Lands in *Tuſcany*, about *Volaterræ* and *Feſulæ*, which *Sylla* divided amongſt his Soldiers (*f*).

Servilia Lex, the Author *P. Servilius Rullus*, *Tribune* of the Commons, *A.* 690, in the Conſulſhip of *Cicero* and *Antony*, containing many Particulars, about ſelling ſeveral Houſes, Fields, &c. that belonged to the public, for the purchaſing Land in other Parts of *Italy*; about creating ten Men to be Superviſors of the Buſineſs, and Abundance of other Heads; ſeveral of which are repeated by *Cicero* in his three Orations extant againſt this Law, by which he hindered it from paſſing.

(*a*) *Cic.* in *Cat. Major.* (*b*) *Cic. pro Sextio*, *Plut.* &c. (*c*) *Cic. Verr.* 5. *Plut.* &c. (*d*) *Cic. de Orat.* lib. 2. & *in Bruto.* (*e*) *De Antiq. Jur. Ital.* lib. 2. (*f*) *Cic in Rullum*, *pro Roſcio*, *Salluſt. in Catilin.*

Flavia

Flavia Lex, the Author *L. Flavius*, *Tribune* of the Commons, *A.* 693, about dividing a ſufficient Quantity of Land among *Pompey*'s Soldiers and the Commons (*a*).

Julia Lex, the Author *Julius Cæſar*, *Conſul* with *Bibulus*, *A.* 691, ordaining, that all the Land in *Campania*, which uſed formerly to be farmed at a ſet Rent of the State, ſhould be divided among the Commons: As alſo, that all Members of the *Senate* ſhould ſwear to confirm this Law, and to defend it againſt all Oppoſers. *Cicero* calls this *lex Campania* (*b*).

Mamilia Lex, the Author *C. Mamilius*, *Tribune* of the Commons, in the Time of the *Jugurthine* War; ordaining, that in the Bounds of the Lands, there ſhould be left five or ſix Foot of Ground, which no Perſon ſhould convert to his private Uſe, and that Commiſſioners ſhould be appointed to regulate this Affair (*c*). From this Law *de limitibus*, the Author took the Surname of *Limetanus*, as he is called by *Salluſt* (*d*).

(*a*) *Cicero ad Attic.* lib. 1. (*b*) *Velleius Paterc.* lib. 2. *Plut.* in *Pomp. Cæſ. & Cat. Uticenſ. ad Attic. Lib.* 2. Epiſt. 18. (*c*) *Cicero* lib. 1. *de Leg.* (*d*) In *Bell. Jugurth.*

CHAP. XXX.

LAWS *relating to* CORN.

Sempronia Lex, the Author *C. Sempronius Gracchus*, (not *T. Sempronius Gracchus*, as *Roſinus* has it) ordaining, that a certain Quantity of Corn ſhould be diſtributed every Month among the Commons, ſo much to every Man; for which they were only to pay the ſmall Conſideration of a *Semiſſis* and a *Triens* (*a*).

Terentia Caſſia Lex, the Author *M. Terentius Varro Lucullus*, and *C. Caſſius*, *Conſuls*, *A.* 680, ordaining, that the ſame ſet Price ſhould be given for all Corn bought up in the Province, to hinder the Exactions of the *Quæſtors* (*b*).

Clodia Lex, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695, ordaining, that thoſe Quantities of Corn, which were formerly ſold to the poor People at ſix *Aſſes* and a *Triens* the Buſhel, ſhould be diſtributed among them *gratis* (*c*).

Hieronica Lex, the Author *Hiero*, Tyrant of *Sicily*, regulating the Affair between the Farmers and the *Decumani*, (or

(*a*) *Flor. Epit. Liv.* lib. 60. *Vell. Pat.* lib. 2. *&c.* (*b*) *Cic.* in *Verrem.* 5. (*c*) *Cicero pro Sextio, in Piſon*, &c.

Gatherers of the Corn-Tax, which becauſe it conſiſted of a tenth Part, they called *Decumæ*,) ordaining the Quantity of Corn, the Price, and the Time of receiving it; which for the Juſtice of it, the *Romans* ſtill continued in Force, after they had poſſeſſed themſelves of that Iſland (*a*).

(*a*) *Cicero in Verr.* 41.

CHAP. XXXI.

Laws *for the regulating of* Expences.

Orchia Lex, the Author *C. Orchius*, *Tribune* of the Commons, *A.* 566, determining the Number of Gueſts which were allowed to be preſent at any Entertainment (*a*).

Fannia Lex, the Author *C. Fannius*, Conſul *A.* 588, ordaining, that upon the higher Feſtivals, no Perſon ſhould expend more than an hundred *Aſſes* in a Day; or ten other Days in every Month, thirty *Aſſes*; and at all other Times, ten (*b*).

Didia Lex, enacted about eighteen Years after the former, ordaining, that the Laws for regulating Expences ſhould reach all the *Italians*, as well as the Inhabitants of *Rome*; and that not only the Makers of extravagant Treats, but the Gueſts too, ſhould incur a Penalty for their Offence (*c*).

Lex Licinia, the Author *P. Licinius Craſſus the Rich*; agreeing in moſt Particulars with the *Fannian* Law; and farther preſcribing, that on the *Kalends*, *Nones*, and *Nundinæ*, thirty *Aſſes* ſhould be the moſt that was ſpent at any Table; and that on ordinary Days, which were not particularly excepted, there ſhould be ſpent only three Pounds of *dry* Fleſh, and one Pound of Salt Meat; but allowing as much as every Body pleaſed of any Fruits of the Ground.

Cara arida opponitur ſaliamento, Caſaubon, in A. Gell Notæ MSS. *in* Bib. C. C. C. Oxon.

Cornelia Lex, the Author *L. Cornelius Sylla*, enacted, not ſo much for the retrenching of extravagant Treats, as for the lowering the Price of Proviſions (*d*).

Æmilia Lex, the Author *M. Æmilius Lepidus*, *Conſul*, about *A.* 675, reſpecting the particular Sorts of Meats in Uſe at that Time, and ſtating the juſt Quantities allowable of every Kind (*e*).

(*a*) *Macrobii Saturn.* lib. 2. cap. 14. (*b*) *Ibid.* & *A. Gell.* lib. 2. cap. 24. (*c*) *Ibid.* & *A. Gell.* lib. 2. cap. 24. (*d*) *A. Gell.* lib. 2. cap. 24. (*e*) *Ibid.*

Antia

Antia Lex, the Author *Antius Reſtio:* A farther Eſſay toward ſuppreſſing Luxury, the Particulars of which we are not acquainted with. But *Macrobius* gives us this remarkable Story of the Author, that finding his Inſtitution to be of very little Force, by Reaſon of the great Head that Prodigality and Extravagance had gained in the City, he never afterwards ſupped abroad as long as he lived, for fear he ſhould be forced to be a Witneſs of the Contempt of his own Injunction, without being in a Condition to puniſh it (*a*).

Julia Lex, preferred in the Time of *Auguſtus*, allowing two hundred *Seſtertii* for the Proviſions on the *Dies Profeſti*, three hundred on the common Feſtivals in the Kalendar, and a thouſand at Marriage-Feaſts, and ſuch extraordinary Entertainments (*b*).

A. Gellius farther adds, that he finds in an old Author, an Edict either of *Auguſtus* or *Tiberius*, (he is uncertain which) raiſing the Allowance according to the Difference of the Feſtivals, from three hundred to two thouſand *Seſtertii* (*c*).

Hither may be referred the *Lex Oppia*, the Author *C. Oppius*, *Tribune* of the Commons *A.* 540, in the Heat of the ſecond *Punic* War; ordaining, that no Woman ſhould have above half an Ounce of Gold, wear a Party-coloured Garment, or be carried in a Chariot in any City, Town, or to any Place within a Mile's Diſtance, unleſs upon the Account of celebrating ſome ſacred Solemnity (*d*).

(*a*) *Macrob. & A. Gell.* (*b*) *A. Gell.* (*c*) *Ibid.* (*d*) *Liv.* lib. 34. *Tac. Ann.* 3.

CHAP. XXXII.

LAWS *relating to* MARTIAL AFFAIRS.

SACRATA Lex Militaris, the Author, probably, *M. Valerius Corvus*, Dictator, *A.* 411, ordaining, that no Soldier's Name which had been entered in the Muſter-Roll, ſhould be ſtruck out, unleſs by the Party's Conſent: And that no Perſon, who had been Military *Tribune*, ſhould execute the Office of *Ductor Ordinum* (*a*).

Sempronia Lex, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 630, ordaining, that the Soldiers ſhould receive their Cloaths *gratis* at the public Charge, without any Diminution of their ordinary Pay: And that no one ſhould be obliged to ſerve in the Army, who was not ſeventeen Years old (*b*).

Maria Porcia Lex, the Authors *L. Marius* and *Porcius Cato*, *Tribunes* of the Commons, *A.* 691, ordaining, that a Penalty ſhould be inflicted on ſuch Commanders as writ falſly to the Senate, about the Number of the Slain on the Enemies Side, and of their own Party: And that they ſhould be obliged, when they firſt entered the City, to take a ſolemn Oath before the *Quæſtors*, that the Number which they returned was true, according to the beſt Computation (*c*).

Sulpicia Lex, the Author *P. Sulpicius*, *Tribune* of the Commons, *A.* 665, ordaining, that the chief Command in the *Mithridatic* War, which was then enjoyed by *L. Sylla*, ſhould be taken from him and conferred on *C. Marius* (*d*).

Gabinia Lex, the Author *A. Gabinius*, *Tribune* of the Commons, *A.* 685, ordaining, that a Commiſſion ſhould be granted to *Cn. Pompey*, for the Management of the War againſt the Pirates for three Years, with this particular Clauſe, that upon all the Sea on this Side *Hercules's Pillars*, and in the Maritime Provinces as far as 400 *Stadia* from the Sea, he ſhould be empowered to command Kings, Governors, and States, to ſupply him with all Neceſſaries in the Expedition (*e*).

(*a*) *Liv.* lib. 7. (*b*) *Plut.* in *C. Gracch.* (*c*) *Valer. Max.* Lib. 2. cap. 8. (*d*) *Vell. Paterc.* lib. 2. *Flor. Epit.* 77. *Plutarch* in *Sylla & Mario*, &c. (*e*) *Aſconius* in *Cornelian. Vell. Paterc.* lib. 2. *Plutarch.* in *Pomp. Cicero de Lege Manilia*, & *poſt Reditum* in *Senat.*

Manilia

Manilia Lex, the Author *C. Manilius*, *Tribune* of the Commons, *A.* 687, ordaining, That all the Forces of *Lucullus*, and the Provinces under his Government, ſhould be given to *Pompey*; together with *Bithynia*, which was under the Command of *Glabrio*; and that he ſhould forthwith make War upon *Mithridates*; retaining ſtill the ſame Naval Forces, and the Sovereignty of the Seas, as before (*a*).

(*a*) *Cicero de Lege Manilia*, *Plutarch.* in *Pomp. Flor.* Epitom. 100.

CHAP. XXXIII.

De Tutelis, *or Laws concerning* WARDSHIPS.

ATILIA Lex, the Author and Time unknown, preſcribing that the *Prætor*, and the major Part of the *Tribunes*, ſhould appoint Guardians to all Minors, to whom none had been otherwiſe aſſigned (*a*).

The Emperor *Claudius* ſeems to have abrogated this Law, when, as *Suetonius* informs us, he ordered, that the Aſſignment of Guardians ſhould be in the Power of the *Conſuls* (*b*).

Lætoria Lex, ordaining, that ſuch Perſons as were diſtracted, or prodigally ſquandered away their Eſtates, ſhould be committed to the Care of ſome proper Perſons, for the Security of themſelves and their Poſſeſſions: and that whoever was convicted of defrauding any in thoſe Circumſtances, ſhould be deemed guilty of a high Miſdemeanor (*c*).

(*a*) *Liv.* lib. 39. (*b*) *Sueton.* in *Claud.* cap. 23. (*c*) *Cicero de Offic.* lib. 3. *de Nat. Deor.* lib. 3.

CHAP. XXXIV.

LAWS *concerning Wills, Heirs, and Legacies.*

Furia Lex, the Author *C. Furius*, *Tribune* of the Commons, ordaining, that no Perſon ſhould give, by Way of Legacy, above a thouſand *Aſſes*, unleſs to the Relations of the Maſter who manumitted him, and to ſome other Parties there excepted (*a*).

Voconia Lex, the Author *Q. Voconius Saxa*, *Tribune* of the Commons, *A.* 584, ordaining, that no Woman ſhould be left Heireſs to an Eſtate; and that no *Cenſus* ſhould, by his Will, give above a fourth Part of what he was worth, to a Woman. This ſeems to have been enacted, to prevent the Decay and Extinction of noble Families (*b*).

By the Word *Cenſus* is meant any rich Perſon, who was rated high in the *Cenſor*'s Books.

(*a*) *Cicer. pro Balbo.* (*b*) *Cicero* in *Verr.* 3. *Senect. de Finib.*

CHAP. XXXV.

LAWS *concerning Money, Uſury*, &c.

Sempronia Lex, the Author *M. Sempronius*, *Tribune* of the Commons. *A.* 560, ordaining, that in lending Money to the Allies of *Rome* and the *Latins*, the Tenor of the *Roman* Laws ſhould be ſtill obſerved, as well as among the Citizens (*a*).

Valeria Lex, the Author *Valerius Flaccus*, *Conſul* with *L. Cornelius Cinna*, ordaining, (to oblige the poorer Part of the City) that all Creditors ſhould diſcharge their Debtors upon the Receipt of a fourth Part for the whole Sum. This Law, as moſt unreaſonable, is cenſured by *Paterculus* (*b*).

(*a*) *Liv.* lib. 35. *Cicero de Offic.* 2. (*b*) Lib. 2. cap. 23.

Gabinia

Gabinia Lex, the Author *Aul. Gabinius*, *Tribune* of the Commons, *A.* 685, ordaining, that no Action ſhould be granted for the Recovery of any Money taken up, *verſurâ factâ*, *i. e.* firſt borrowed upon a ſmall Uſe, and then lent out again upon a greater; which Practice was highly unreaſonable (*a*).

Claudia Lex, the Author *Claudius Cæſar*; commanding, that no Uſurer ſhould lend Money to any Perſon in his Non-age, to be paid after the Death of his Parents (*b*).

Veſpaſian added a great Strength to this Law, when he ordained, that thoſe Uſurers who lent Money to any *Filius Familiæ*, or Son under his Father's Tuition, ſhould have no Right ever to claim it again, not even after the Death of his Parents (*c*).

(*a*) *Cicero ad Attic.* lib. 5. Epiſt. *ult.* lib. 6. Epiſt. 2. (*b*) *Tacit.* Annal. 11 (*c*) *Sueton.* in *Veſp.* cap. 11.

CHAP. XXXVI.

LAWS *concerning the* JUDGES.

Sempronia Lex, the Author *C. Sempronius Gracchus*, *Tribune* of the Commons, *A.* 630. ordaining, that the Right of Judging, which had been aſſigned to the *Senatorian* Order by *Romulus*, ſhould be transferred from them to the *Equites* (*a*).

Servilia Lex, the Author *Q. Servilius Cæpio*, *Conſul* with *C. Atilius Serranus*, *A.* 647. abrogating in Part the former Law, and commanding, that the Privilege there mentioned ſhould be divided between both Orders of Knights and Senators (*b*).

Plutarch and *Florus* make *C. Sempronius Gracchus* to have appointed 300 Senators, and 600 *Equites*, for the Management of Judgments; but this ſeems rather to belong to the *Servilian* Law, if not totally a Miſtake (*c*). This Law was ſoon after repealed.

Livia Lex, the Author *M. Livius Druſus*, *Tribune* of the Commons, *A.* 662, ordaining, that the Judiciary Power ſhould be ſeated in the Hands of an equal Number of Senators and Knights (*d*).

(*a*) *Aſconius in Divin. Tacit.* Ann. 12. *Vel. Paterc.* L. 2. (*b*) *Cicero de Art. Rhet.* lib. 2. *de Oratore* in *Bruto*, in *Orat. pro Scauro.* (*c*) *Cicero de Orator.* 2. *Flor.* Epit. 71. (*d*) *Aſconius* in *Cornelian.*

But

But this, among other Conſtitutions of that Author, was abrogated the very ſame Year, under Pretence of being made inauſpiciouſly.

Plautia Lex, the Author *M. Plautius Silvanus*, *Tribune* of the Commons, *A.* 664. ordaining, that every Tribe ſhould chuſe out of their own Body fifteen Perſons to ſerve as Judges every Year; by this Means making the Honour common to all the three Orders, according as the Votes carried it in every Tribe (*a*).

Cornelia Lex, the Author *L. Cornelius Sylla*, *Dictator*, *A.* 673, taking away the Right of Judging entirely from the Knights, and reſtoring it fully to the Senators (*b*).

Aurelia Lex, the Author *L. Aurelius Cotta*, *Prætor*, *A.* 653, ordaining, that the *Senatorian* and *Equeſtrian* Orders, together with the *Tribuni Ærarii*, ſhould ſhare the judicial Power between them (*c*).

Pompeia Lex, the Author *Pompey* the Great, *Conſul* with *Craſſus*, *A.* 698, ordaining, that the Judges ſhould be choſen otherwiſe than formerly, out of the richeſt in every Century; yet, notwithſtanding, ſhould be confined to the Perſons mentioned in the *Aurelian* Law (*d*).

Julia Lex, the Author *Julius Cæſar*, confirming the aforeſaid Privilege to the Senators and Knights, but excluding the *Tribuni Ærarii* (*e*).

Roſinus ſets this Law before that of *Pompey*; but it is very plain, it was not made until afterwards.

Antonia Lex, the Author *M. Antony*, *Conſul* with *Julius Cæſar*, *A.* 709, ordaining, that a third *Decury* of Judges ſhould be added to the two former, to be choſen out of the Centurions (*f*).

(*a*) *Cicero pro Cornel.* & *ad Att.* 4. (*b*) *Flor.* Epitom. 89. *Aſcon. in Divinat.* (*c*) *Cicero in Verrem. Vell.* lib. 2. (*d*) *Cicero* in *Piſonem.* (*e*) *Suet.* in *Julio*, cap. 41. (*f*) *Cicero* in *Philipp.* 1. & 5.

CHAP.

CHAP. XXXVII.

LAWS *relating to* JUDGMENTS.

POMPEIA Lex, the Author *Pompey* the Great, ſole *Conſul*, *A.* 701, forbidding the Uſe of the *Laudatores* in Trials (*a*).

Memmia Lex, ordaining, that no Perſon's Name ſhould be received into the Roll of Criminals, who was abſent upon the public Account (*b*).

Remmia Lex, ordaining, that Perſons convicted of Calumny ſhould be ſtigmatized (*c*).

Both theſe Laws ſometimes go under the Name of *Memmiæ*, and ſometimes of *Remmiæ*; the Diſtinction here obſerved is owing to *P. Manutius*.

Cincia Lex, the Author *M. Cincius*, *Tribune* of the Commons, *A.* 549, forbidding any Perſon to accept of a Gift upon Account of judging a Cauſe. This is commonly called *Lex Muneralis* (*d*).

(*a*) *Plutarch.* in *Pomp.* & *in Catone Uticenſ. Valer. Max.* lib. 6. cap. 2. (*b*) *Cicero in Vatin. Val. Max.* lib. 3. cap. 7. (*c*) *Cicero pro Sext. Roſcio.* (*d*) *Liv.* lib. 34. *Tacit.* Ann. 14. *Cicero ad Attic.* lib. 1. *de Oratore* 2. *de Senect.*

CHAP. XXXVIII.

LAWS *relating to* CRIMES.

THE Crimes or Actions that tended to the Prejudice of the State, have been already reckoned, up, and briefly explained. The Laws on this Subject are very numerous, and, by Reaſon of their great Uſefulneſs, have been preſerved at large in the Labours of the Civilians, with the particular Heads of which they conſiſted. It will be ſufficient to the preſent Deſign, to mention ſuch as are hinted at in the ordinary Claſſics, and to ſpeak of thoſe only in general.

DE

De Majestate.

Gabinia Lex, already deſcribed among the Laws relating to Aſſemblies.

Apuleia Lex, the Author *L. Apuleius*, *Tribune* of the Commons, *A.* 652. It ſeems to have been enacted for the Reſtraint of public Force and Sedition in the City (*a*). *Sigonius* thinks, that it was this Law, which made the Queſtion *de Majeſtate* perpetual.

Varia Lex, the Author *L. Varius Tribune* of the Commons, *A.* 662, ordaining, that all Perſons ſhould be brought to a public Trial, who had any Way encouraged or aſſiſted the Confederates in the late War againſt *Rome* (*b*).

Cornelia Lex, the Author *L. Cornelius Sylla*, *Dictator*, *A.* 670. making it Treaſon to lead an Army out of a Province, or to engage in a War without ſpecial Orders; to endeavour the ingratiating himſelf with the Army, ſo as to make them ready to ſerve his particular Intereſt; or to ſpare, or ranſom a Commander of the Enemy when taken Priſoner; or to pardon the Captains of Robbers and Pirates; or for a *Roman* Citizen to reſide without Orders at a foreign Court; and aſſigning the Puniſhment of *Aquæ & Ignis Interdictio* to all that ſhould be convicted of any of theſe Crimes (*c*).

Julia Lex, the Author *Julius Cæſar*, either in his firſt Conſulſhip, or after the *Pharſalian* Victory, ordaining the Puniſhment mentioned in *Sylla*'s Law, to be inflicted on all that were found guilty *de Majeſtate*; whereas *Sylla* intended it only for the Particulars which he there ſpecifies (*d*).

Antonia Lex, the Author *Mark Antony*, allowing thoſe who were condemned *de Majeſtate*, an Appeal to the People; which before was only allowed in the Crime which they called *Perduellio*, one Part of the *Crimen Majeſtatis*, of the moſt heinous Nature; which the Lawyers define, *Hoſtili animo adverſus Rempublicam eſſe*. This Law was repealed by *Auguſtus* (*e*).

(*a*) *Cicero de Orator.* lib. 2. (*b*) *Cicero pro Scauro, pro Cornel. Tuſculan.* 2. in *Bruto. Valerius Maximus*, lib. 8. cap. 6. (*c*) *Cicero* in *Piſon. pro Cluent. &c.* (*d*) *Cicero Philipp.* 1. (*e*) *P. Manut.* lib. *de Legibus.*

De

De Adulterio & Pudicitia.

Julia Lex, the Author *Augustus Cæsar*, as *Suetonius* informs us *(a)*. *Juvenal* mentions this Law in his second Satyr, and seems to intimate, that it was afterwards confirmed, and put in full Force by the Emperor *Domitian*; the Rigor of it is there very handsomely expressed:

——— *Leges revocabat amaras* (*b*)
Omnibus, atque ipsis Veneri Martique, timendas.

Scatinia Lex, the Author *C. Scatinius Aricinus*, *Tribune* of the Commons; though some think it was called *Lex Scantinia*, from one *Scantinius*, *Tribune* of the Commons; against whom it was put in Execution. It was particularly levelled against the Keepers of Catamites, and against such as prostituted themselves for this vile Service (*c*). The Penalty enjoined by the Author, was only pecuniary; but *Augustus Cæsar* made it afterwards capital (*d*)

Cornelia *Lex inter sicarios, & veneficos.*

The Author *Cornelius Sylla, Dictator.* It was directed against such as killed another Person with Weapons or Poison, or fired Houses, or took away any Person's Life by false Accusation; with several other Heads.

There was a Clause in this Law, that the Person who stood accused of the Crimes therein mentioned, might have his Choice of letting the Jury give their Verdict *Clam, vel Palam*, by Voices or by Tablets *(e)*.

De Parricidis.

The old Law which prescribed the odd Sort of Punishment proper to this Crime, was restored and confirmed by *Pompey* the Great, with the Title of *Lex Pompeia* (*f*).

Cornelia *Lex falsi.*

Sylla the *Dictator*, as he appointed a proper *Prætor* to make Inquisition into what they called *Crimen falsi*, so he enacted this Law as the Rule and Standard in such Judg-

(*a*) In *Aug.* cap. 34. (*b*) *Juv.* Sat. 2. v. 30. (*c*) *Quintil.* lib. 4. cap. 2. lib. 7. cap. 4. *Cicero Philip.* 3. *Juv. &c.* (*d*) *Just. Instit.* lib. 4. (*e*) *Cic. pro Cluent.* (*f*) *Just. Inst.* lib. 4. *& alii.*

ment

ment (*a*). It takes in all Forgers, Concealers, Interliners, *&c.* of Wills; Counterfeiters of Writs and Edicts; falſe Accuſers, and Corrupters of the Jury; together with thoſe that any Ways debaſed the public Coin, by ſhaving or filing the Gold, or adulterating the Silver, or publiſhing any new Pieces of Tin, Lead, *&c.* and making thoſe incur the ſame Penalty (which was *Aquæ & Ignis Interdictio*) who voluntarily connived at the Offenders in theſe Particulars.

Leges de vi.

Plautia, or *Plotia Lex*, the Author *P. Plautius*, *Tribune* of the Commons, *A.* 675, againſt thoſe that attempted any Force againſt the State or Senate, or uſed any Violence to the Magiſtrates, or appeared armed in Public upon any ill Deſign, or forcibly expelled any Perſon from his lawful Poſſeſſion. The Puniſhment aſſigned to the Convicted was *Aquæ & Ignis Interdictio* (*b*).

Clodia Lex, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695, ordaining, that all thoſe ſhould be brought to their Trial, who had executed any Citizen of *Rome* without the Judgment of the People, and the Formality of a Trial (*c*).

The Author being a mortal Enemy of *Cicero*'s, levelled this Law particularly againſt him; who, in the Time of the *Catilinarian* Conſpiracy, for the greater Expedition and Security, having taken ſeveral of the chief Parties concerned, firſt impriſoned and afterwards executed them, only upon a Decree of the Senate. *Clodius* having highly ingratiated himſelf with the People, by ſeveral popular Laws, eaſily got this Act to paſs; and ſo obliged *Cicero* to go into Exile.

Pompeia Lex, the Author *Pompey the Great*, in his third Conſulſhip, *A.* 701. It was directed eſpecially againſt the Authors of the late Riot, upon the Account of *Clodius* and *Milo*; in which, one of the *Curiæ* had been ſet on Fire, and the Palace of *Lepidus* the *Interrex*, aſſaulted by Force. This Law introduced a much ſhorter Form of Judgment than had been formerly uſed, ordaining, that the firſt three Days in every Trial ſhould be ſpent in hearing and examining Witneſſes; and then allowing only one Day for the two Parties to make their formal Accuſation and Defence; the firſt being confined to two Hours, and the other to

(*a*) *Cic. de Nat. Deor.* lib. 3. *Suet.* in *Aug.* cap. 33. (*b*) *Sueton.* in *Julio*, cap. 5. *Dio*, lib. 39. *Cicero pro Sextio*, *pro Milone*. (*c*) *Vell. Paterc.* lib. 2. *Cic. ad Attic.* lib. 3. *Dio*, lib. 38.

three.

three. Hence, the Author of the Dialogue concerning famous Orators, (attributed to *Quintilian*, or *Tacitus*,) obſerves, that *Pompey* was the firſt who deprived Eloquence of its old Liberty, and confined it to Bounds and Limits (*a*).

Leges de Ambitu.

Fabia Lex, preſcribing the Number of *Sectatores*, allowed to any Candidate (*b*). This did not paſs.

Acilia Calpurnia Lex, the Authors *M. Acilius Glabrio*, and *C. Calpurnius Piſo*, Conſuls *A.* 686, ordaining, that, beſides the Fine impoſed, no Perſon convicted of this Crime ſhould bear an Office, or come into the Senate (*c*).

Tullia Lex, the Author *M. Tullius Cicero*, Conſul with *C. Antonius*, *A.* 690, ordaining, that no Perſon, for two Years before he ſued for an Office, ſhould exhibit a Show of Gladiators to the People, unleſs the Care of ſuch a Solemnity had been left to him by Will: That *Senators*, convicted of the *crimen ambitus*, ſhould ſuffer *aquæ & ignis interdictio* for ten Years; and that the Commons ſhould incur a ſeverer Penalty than had been denounced by the *Calpurnian* Law (*d*).

Aufidia Lex, the Author *Aufidius Lurco*, *Tribune* of the Commons, *A.* 692, more ſevere than that of *Tully*; having this remarkable Clauſe, that if any Candidate promiſed Money to the *Tribunes*, and did not pay it, he ſhould be excuſed; but, in Caſe he actually gave it, he ſhould be obliged to pay to every *Tribe* a yearly Fine of 3000 *Seſtertii* (*e*).

Lex Licinia de Sodalitiis, the Author *M. Licinius Craſſus*, Conſul with *Cn. Pompey*, *A.* 698, appointed a greater Penalty than formerly to Offenders of this Kind (*f*). By *Sodalitia*, they underſtood an unlawful making of Parties at Elections; which was interpreted as a Sort of Violence offered to the Freedom of the People. It is ſtrange, that this Senſe of the Word ſhould have eſcaped *Cooper* and *Littleton*.

Aſconius ſeems to imply, that the *Sodalitia* and *Ambitus* were two different Crimes, when he tells us, that *Milo* was arraigned on thoſe two Accounts, at two ſeveral Times, and not before the ſame *Quæſtor* (*g*).

(*a*) *Vide Aſcon. in Milon. Cic. de finib.* 4. *Cæſ. de Bell. Civ.* l. 3. &c. (*b*) *Cic. pro Muræna.* (*c*) *Cic. pro Muræna, pro Cornel.* &c. (*d*) *Cic. in Vatin. pro Sextio, pro Muræna, Dio* l. 37. (*e*) *Cic. ad Attic.* l. 1. ep. 11. (*f*) *Cic. pro Planc.* (*g*) *In Argument. Milonian.*

Pompeia

Pompeia Lex, the Author *Pompey the Great*, ſole Conſul, *A.* 701. By this it was enacted, that whoever, having been convicted of a Crime of this Nature, ſhould afterwards impeach two others of the ſame Crime, ſo that one of them was condemned, ſhould himſelf, upon that Score, be pardoned. The ſhort Form of Judgment, mentioned in *Pompeia Lex de vi*, was ordered too by this Law (*a*).

Julius Cæſar quite ruined the Freedom and fair Proceedings in Elections, when he divided the Right of chuſing Magiſtrates between himſelf and the People, or rather diſpoſed of all Offices at his Pleaſure (*b*). Hence *Lucan*:

—Nam quo melius Pharſalicus *annus* (*c*).
Conſule notus erit ? Fingit ſolennia campus,
Et non admiſſæ dirimit ſuffragia Plebis;
Decantatque Tribus, & vanâ verſat in Urnâ.
Nec cœlum ſervare licet; tonat Augure ſurdo:
Et lætæ jurantur aves, bubone ſiniſtro.

From what brave Conſul cou'd the Year receive
A ſurer Mark, than Death and Wars ſhall leave ?
Aſſemblies are a Jeſt; and, when they meet,
The gaping Crowd is bubbled with a Cheat.
The Lots are ſhook, and ſorted Tribes advance;
But *Cæſar*, not blind *Fortune*, rules the Chance.
Nor impious *Rome* Heaven's ſacred Signs obeys,
While *Jove* ſtill thunders as the *Augurs* pleaſe:
And when left Owls ſome dire Diſaſter bode,
The ſtaring Miſcreants, at their Maſter's Nod,
Look to the Right, and ſwear the Omen's good.

But *Auguſtus* reſtored the antient Privileges to the *Comitia*, and reſtrained unlawful Courſes uſed in the canvaſſing at Elections, by ſeveral Penalties (*d*); and publiſhed for this Purpoſe, the *Lex Julia de Ambitu* mentioned in the *Pandects*.

Leges de Pecuniis repetundis.

Calpurnia Lex, the Author *L. Calpurnius Piſo Frugi*, *A.* 604, ordaining a certain *Prætor* for the Inquiſition of this Crime, and laying a great Penalty on Offenders (*e*).

(*a*) *In Argument. Milonian.* (*b*) *Sueton.* in *Julio*, cap. 41. (*c*) Lib. 5. v. 391. (*d*) *Sueton.* in *Auguſt.* cap. 40. (*e*) *Cicero* in *Bruto*, *de Offic.* lib. 2. *Orat.* 3. in *Verrem.*

Cæcilia

Cæcilia Lex, mentioned by *Valerius Maximus* (*a*). *Sigonius* believes this Law to be the very ſame with the former, and that either the two *Tribunes*, *Cæcilius* and *Calpurnius*, joined in the making of it; and ſo it came to be called either *Calpurnia*, or *Cæcilia*, at Pleaſure; or that in this Place we ought to read *Calpurnia*, inſtead of *Cæcilia*.

Junia Lex, the Author, proba bly, *M. Junius Pennus*, *Tribune* of the Commons, *A.* 627, ordaining, that beſides the *litis æſtimatio*, or rating of the Damages, the Perſon, convicted of this Crime, ſhould ſuffer Baniſhment (*b*).

Servilia Lex, the Author *C. Servilius Glaucia*, *Prætor*, *A.* 653, ſeveral Fragments of which are collected from Authors, and tranſcribed from brazen Tablets by *Sigonius* (*c*).

Acilia Lex, the Author *M. Acilius Glabrio*; in which was this remarkable Clauſe: That the convicted Perſon ſhould be allowed neither *ampliatio*, nor *comperendinatio*; neither a new Hearing at a ſet Time prefixed by the *Prætor*, nor an Adjournment of the Trial, till the third Day after the firſt appearing of the Parties in the Court (*d*).

Cornelia Lex, the Author *L. Cornelius Sylla*, Dictator; ordaining, that, beſides the *litis æſtimatio*, the Perſon convicted of this Crime, ſhould be interdicted the Uſe of Fire and Water (*e*).

Julia Lex, the Author *C. Julius Cæſar*; this kept its Authority through the whole Series of the Emperors, and is ſtill celebrated in the *Pandects*: A great Part of it was levelled againſt the Miſdemeanors of provincial Governors; many of which, according to this Law, are alledged againſt *Piſo*, who had been *Proconſul* in *Macedonia*, by *Cicero*, in his 37th Oration.

(*a*) Lib. 6. cap. 9 Sect. 10. (*b*) *Cic.* in *Verrem*, *& pro Balbo. Vell. Paterc.* lib. 2. (*c*) *Cic. pro Poſthum. pro Balbo.* in *Verrem. Sigon. de judiciis*, lib. 2. cap. 27. (*d*) *Cic.* in *Verrem. Aſcon.* in *eaſdem.* (*e*) *Cic. pro Cluentio*; in *Verrem. Aſcon. Pædian.* in *Verrinas.*

CHAP

CHAP. XXXIX.

Miſcellany Laws not ſpoken of under the General Heads.

Clodia Lex de Collegiis, the Author *P. Clodius*, *Tribune* of the Commons, *A.* 695, ordaining, That the *Collegia*, or *Companies* of Artificers, inſtituted by *Numa*, which had in a great Meaſure been laid down, ſhould be all revived, and obſerved as formerly, with the Addition of ſeveral new *Companies* (*a*).

Cæcilia Lex de jure Italiæ, & tributis tollendis; the Author *Q. Cæcilius Metellus Nepos*, *Prætor*, *A.* 693, ordaining, That the Tax called *Portoria* ſhould be taken off from all the *Italian* States (*b*).

Portoria, according to *Sigonius*'s Explication, was a Sort of Toll paid always at the carrying of any exportable Goods to the Haven; whence the Collectors of it were called *Portitores*.

Lex Julia de maritandis ordinibus.

The *Romans*, conſulting the Grandeur of their Republic, had always a particular Honour for the married State; and nothing was more uſual than for the *Cenſors* to impoſe a Fine upon old Batchelors. *Dionyſius Halicarnaſſæus* (*c*) mentions an old Conſtitution, by which all Perſons of full Age were obliged to marry: But the firſt Law, of which we have any Certainty, was this of *Auguſtus Cæſar*, preferred *A.* 736. It did not paſs before it had received ſeveral Amendments, being at firſt rejected for its extreme Severity. This is the Subject of *Propertius*'s ſeventh Elegy of the third Book.

Gaviſa eſt certe ſublatam Cynthia *legem*, &c.

My *Cynthia* laugh'd to ſee the Bill thrown out, &c.

Horace calls it *Lex Marita* (*d*).

A. 672, this Law being improved and enlarged, was preferred in a new Bill by *Papius* and *Poppæus*, the Conſuls at

(*a*) *Cic. pro Sextio*; *in Piſon. pro Domo. Aſcon. in Cornel.* (*b*) *Dio.* lib. 37. *Cic. in Epiſt. ad Attic.* (*c*) Lib. 9. (*d*) In *Carmine Sæculari.*

that

that Time; whence it is ſometimes called *Papia Poppæa Lex*, and generally *Julia Papia*.

A great Part of the general Heads are collected by *Lipſius*, in his Comment on *Tacitus* (*a*); among which, the moſt remarkable are thoſe which contain the Sanctions of Rewards and Puniſhments.

As to the firſt of theſe, it was hereby ordained, that all the Magiſtrates ſhould take Precedence according to their Number of Children; or a married Man before a Batchelor: That in Elections, thoſe Candidates ſhould be preferred, who had the moſt numerous Offspring: And that any Perſon might have the Preference for an Office, who had as many Children as he wanted Years to be capable of bearing ſuch a Dignity (*b*): That, whoever in the City had three Children, in the other Parts of *Italy*, four, and in the Provinces five (or, as ſome ſay, ſeven) ſhould be excuſed from all troubleſome Offices in the Place where he lived. Hence came the famous *jus trium liberorum*, ſo frequently to be met with in *Pliny*, *Martial*, &c. by which the Emperor often obliged ſuch Perſons with this Privilege, to whom Nature had denied it.

Of the Penalties incurred by ſuch as in ſpite of this Law lived a ſingle Life, the chief was, that unmarried Perſons ſhould be incapable of receiving any Legacy or Inheritance by Will; unleſs from their near Relations; and ſuch as were married, and yet had no Children, above half an Eſtate. Hence *Plutarch* has a ſevere Reflection on the covetous Humour of the Age: *That ſeveral of the* Romans *did not marry for the Sake of Heirs to their own Fortunes; but that they themſelves might, upon this Account, be capable of inheriting the Eſtates of other Men* (*c*).

And *Juvenal* alludes to the ſame Cuſtom:

Jam Pater es; dedimus quod famæ opponere poſſis (*d*):
Jura Parentis habes: propter me ſcriberis Hæres;
Legatum omne capis, nec non & dulce caducum.

Now by my Toil thou gain'ſt a Father's Fame;
No more ſhall pointing Crowds atteſt thy Shame,
Nor hooting Boys thy Impotence proclaim.
Thine is the Privilege our Laws afford
To him that ſtands a Father on Record:

(*a*) *Excurſ. ad Tacit. Ann.* l. 3. *Liter. C. Vid. Suet. in Octavio*, c. 34.
(*b*) *Plin. Epiſt.* l. 7. (*c*) *Plut.* περὶ φιλοτεκνίας. (*d*) *Sat.* 9. v. 86.

In Miſers Wills you ſtand unqueſtion'd now,
And reap the Harveſt which you could not ſow.

Claudia Lex de ſcribarum negotiatione.

This Law is barely mentioned by *Suetonius* (*a*); and ſeems a Part of the *Lex Claudia*, or *Clodia*, about the Trading of the Senators, already explained. It appears therefore, that not only the Senators, but the Scribes too, or at leaſt thoſe Scribes who aſſiſted the *Quæſtors*, were forbid to make uſe of a Veſſel of above three Hundred *Amphoræ*: We may reaſonably ſuppoſe, that this Prohibition was not laid upon them, in Reſpect of their Order and Degree, which were not by any Means eminent; but rather, upon Account of their particular Place or Office: As it appears the higheſt Impropriety, that Perſons concerned in the public Accounts, ſhould be ſuffered by traffic rather to fill their own Coffers, than improve the Revenues of the State (*b*).

Mamilia Lex; this Law, as well as the former, depends on the ſingle Authority, juſt named by *Saluſt* (*c*), and not explained by *Manutius* or *Roſinus*. It ſeems to have been to this Purpoſe, that ſince Affairs had been very often ill managed by the Nobility, thoſe Perſons, whoſe Anceſtors had born no Magiſtracy in the State, ſuch as they called *Homines novi*, ſhould, for the future, be allowed the Privilege of holding public Offices (*d*).

Atinia Lex de Furtis, ordaining, that no Preſcription ſhould ſecure the Poſſeſſion of ſtolen Goods; but that the proper Owner ſhould have an eternal Right to them (*e*).

(*a*) *In Domit.* cap. 9. (*b*) *V. Torrent. in not. ad locum.* (*c*) *In Bell. Jugurthin.* (*d*) *V. Rivium in not. ad locum.* (*e*) *Cic. Verr.* 3. *A. Gell.* cap. 7.

PART

PART II. BOOK IV.

The ROMAN *Art of War.*

CHAP. I.

The Levies of the ROMAN *Foot.*

AT the ſame Time, the *Conſuls* were declared *Elected*, they choſe the Military *Tribunes*, Fourteen out of the Body of the *Equites*, who had ſerved in the Army five Years; and Ten out of ſuch of the Commonalty, as had made Ten Campaigns. The former they called *Tribuni Juniores*, the latter *Seniores*.

The *Conſuls* having agreed on a Levy, (as in the Time of the Common-wealth, they uſually did every Year) iſſued an Edict, commanding all Perſons who had arrived at the Military Age (about 17 Years) to appear (commonly) in the Capitol, or in the *Area* before the Capitol, as the moſt ſacred and auguſt Place, on ſuch a Day. The People being met, and the *Conſuls*, who preſided in the

Assembly, having taken their Seats, in the first Place, the four and twenty *Tribunes* were disposed of, according to the Number of Legions they designed to embody, which were generally four. The *junior Tribunes* were assigned, four to the first Legion, three to the second, four to the third, and three to the last. The *senior Tribunes*, two to the first Legion and the third; three to the second and last. After this, every Tribe being called out by Lot, were ordered to divide into their proper Centuries; out of each Century Soldiers were called by Name, with Respect had to their Estate and Class; for which Purpose Tables were ready, in which the Name, Age, and Wealth of every Person was exactly described. Four Men, as much alike in all Circumstances as could be found, being presented out of the Century, first the *Tribunes* of the first Legion chose one, then the *Tribunes* of the second another, the *Tribunes* of the third Legion a third Man, and the remaining Person fell to the *Tribunes* of the fourth. Then four more were drawn out; and now the Right of chusing first, began with the *Tribunes* of the second Legion; in the next four, with the *Tribunes* of the third Legion; then with the fourth Legion, and so in Rotation; those *Tribunes*, making the last Choice, who chose first the Time before; the most equal and regular Method imaginable.

Cicero has remarked a superstitious Custom observed in these Proceedings: That the first Soldiers pitched upon, should, for the Omen's Sake, be such as had fortunate Names, as *Salvius*, *Valerius*, and the like (*a*).

There were many legal Excuses which might exempt Persons from Enrolling; as when in the fiftieth Year of their Age; for then they were excused serving: or if they enjoyed any Civil or Sacred Office, which they could not conveniently relinquish; or if they had already made twenty Campaigns, which was the Time required for every Foot Soldier; or if upon Account of extraordinary Merit, they had been by public Authority released from the Trouble of serving for such a Time; or if they were maimed in any Part, and so ought not to be admitted into the Legions; as *Suetonius* tells us of a Father, who cut off the Thumbs of his two Sons, to prevent their serving in the Army (*b*). And *Valerius Maximus* gives a Relation of the like Nature (*c*).

(*a*) *Cic. de Divinat.* l. 1. (*b*) *Sueton. August.* c. 24. (*c*) *Val. Max.* l. 6. c. 3.

Otherwise

Otherwiſe they were obliged to ſerve; and in Caſe of a Refuſal, were uſually puniſhed either with Impriſonment, Fine, or Stripes, according to the Lenity or Severity of the Conſul. And therefore it is ſomewhat ſurpriſing, that *Machiavel* ſhould commend in particular the *Roman* Diſcipline, upon Account of not compelling any one to the Wars, when we have in Hiſtory ſuch Evidence to the contrary. Nay, we alſo read of the *Conquiſitores*, or Impreſs-Maſters, who were commiſſioned upon ſome Occaſions, to compel Men into the Service of the State.

Valerius Maximus (*a*) gives us one Example of changing the Cuſtom of making Levies by the *Tribunes*, for that of chuſing them by Lot. And *Appianus Alexandrinus* (*b*) acquaints us, That in the *Spaniſh* War managed by *Lucullus*, upon Complaint to the Senate of ſeveral unjuſt Practices in the Levies, the Fathers thought fit to chuſe all the Soldiers by Lot. Yet the ſame Author aſſures us, That within five Years after, the old Cuſtom returned of making the Levies in the Manner already deſcribed.

However, upon any extraordinary Occaſion of immediate Service, they omitted the common Formalities, and without much Diſtinction inliſted ſuch as they met with, and led them out on an Expedition. Theſe they termed *Milites ſubitarii*.

(*a*) *Lib.* 6. *Cap.* 3. (*b*) *In Iberic.*

CHAP. II.

The Levy and Review of the CAVALRY.

ROMULUS having eſtabliſhed a Senate, choſe three hundred of the ſtouteſt young Men out of the moſt Noble Families to ſerve on Horſeback: But after the Inſtitution of the *Cenſus* by *Servius Tullius*, all thoſe Perſons had the Honour of being admitted into the Order of the *Equites*, who were worth four hundred *Seſtertia*; yet no Man was thus enrolled by the *Kings* or *Conſuls*, or afterwards by the *Cenſors*, unleſs beſides the Eſtate required, no Exception could be taken againſt his Perſon or Morals. If theſe were unqueſtionable, his Name was entered among the Knights, and a Horſe and Ring given him at the pub-

lic Charge; he being obliged to appear for the future on Horſeback, as often as the State ſhould have Occaſion for his Service.

So that there being always a ſufficient Number of *Equites* in the City, there needed only a Review in order to fit them for Service. The Learned are much divided in this Point; yet we have Authority to mention three ſeveral Sorts of Reviews, *Probatio*, *Tranſvectio*, and what they properly termed *Recenſio*; though they are uſually confounded, and ſeldom underſtood.

The *Probatio* we may conceive to have been a diligent Search into the Lives and Manners of the *Equites*, and a ſtrict Obſervation of their Condition of Body, Arms, Horſes, *&c.* This is ſuppoſed to have been commonly made once a Year.

Tranſvectio, *Lipſius* makes the ſame as *Probatio*; but he is certainly miſtaken; ſince the Hints collected from different Authors, repreſent it rather as a pompous Ceremony and Proceſſion, than an Examination. The moſt learned *Grævius* ſays it was always made in the *Forum* (*a*). *Dionyſius* deſcribes it in the following Manner; *The Sacrifices being finiſhed, all thoſe who are allowed Horſes at the Expence of the State, ride along in Order, as if returning from a Battle, being habited in the* Togæ Palmatæ, *or the* Trabeæ, *and crowned with Wreaths of Olive. The Proceſſion begins at the Temple of* Mars, *without the Walls, and is carried on through all the eminent Parts of the City, particularly the* Forum, *and the Temple of* Caſtor *and* Pollux. *The Number ſometimes reaches to five thouſand; every Man bearing the Gifts and Ornaments received, as a Reward of his Valour, from the General. A moſt glorious Sight, and worthy of the* Roman *Grandeur* (*b*).

This Solemnity was inſtituted to the Honour of *Caſtor* and *Pollux*, who, in the Battle with the *Latins*, about the Year of the City 257, appeared in the Field perſonally aſſiſting the *Romans*; and, preſently after the Fight, were ſeen at *Rome* (juſt by the Fountain where their Temple was afterwards built,) upon Horſes all foaming with Sweat, as if they had rode Poſt to bring Tidings of the Victory (*c*).

The proper *Recenſio* was the Account taken by the *Cenſors* every *Luſtrum*, when all the People, as well as the *Equites*,

(*a*) *Præfat. ad I. Vol. Theſaur.* Ant. Rom. (*b*) *Dionyſ. Halic.* lib. 6.
(*c*) *Plut. in Coriolan.*

were

were to appear at the general Survey: So that it was only a more ſolemn and accurate Sort of *Probation*, with the Addition of enrolling new Names, cancelling old ones, and other Circumſtances of that Nature.

Beſides all this, it was an uſual Cuſtom for the *Equites*, when they had ſerved out their legal Time in the Wars, to lead their Horſes ſolemnly into the *Forum*, to the Seat of the two *Cenſors*, and there having given an Account of the Commanders under whom they had ſerved, as alſo the Time, Places, and Actions relating to their Service, they were diſcharged, every Man with Honour or Diſgrace, according as he deſerved. For this Account we are obliged to *Plutarch*, who gives a particular Relation how this Ceremony was performed with univerſal Applauſe by *Pompey the Great*.

The Obſcurity and Confuſion of theſe Matters, are ſtrongly confirmed by the Diſagreement of two very learned Men, one makes this *Equi redditio* the ſame as the *Probatio* (*a*), the other the ſame as the *Tranſvectio* (*b*).

———*Non noſtrûm eſt tantas componere lites.*

The Emperors often took a Review of the Cavalry; and *Auguſtus* particularly reſtored the old Cuſtom of the *Tranſvectio*, which had been diſcontinued for ſome Time.

It is hard to conceive, that all the *Roman* Horſe in the Army ſhould conſiſt of Knights; and for that Reaſon *Sigonius*, and many other learned Men, make a Diſtinction in the Cavalry, between thoſe who ſerved *Equo publico*, and thoſe that ſerved *Equo privato*; the former they allow to have been of the Order of Knights, the latter not. But *Grævius*, and his noble Countryman *Schelius*, have proved this Opinion to be a groundleſs Conjecture. They demonſtrate from the Courſe of Hiſtory, that from the Beginning of the *Roman* State, till the Time of *Marius*, no other Horſe entered the Legions but the true and proper Knights, except in the midſt of public Confuſion, when Order and Diſcipline were neglected.

After that Period, the military Affairs being new modelled, the Knights thought not fit to expoſe themſelves abroad in the Legions, as they had formerly done, but generally kept at Home to enjoy their Eſtates, and to ſhare in the Tranſ-

(*a*) *Herman. Hugo de Militia Equeſtri*, l. 2. c. 5. (*b*) *Sigon. Annot. ad Liv.* l. c. 46.

actions

actions of the City; and their Places in the Army were filled by foreign Horſe; or if they ever made Campaigns themſelves, they held ſome Poſt of Honour and Command. Hence under the Emperors a Man might be a Knight, and have the Honour of a *public Horſe*, without ever engaging in the public Cauſe, or ſo much as touching Arms; which Conſideration made ſome Princes lay aſide the Cuſtom of allowing the Knights a Horſe, and leave them only their Gold Ring to diſtinguiſh their Order, as *Pliny* (*a*) Senior affirms to have been done in his Time.

(*a*) Lib. 33. Cap. 1. *vid. Græv. Præf. ad Vol.* 1. *Th. Rom*

CHAP. III.

The MILITARY OATH, *and the Levies of the* CONFEDERATES.

THE Levies being finiſhed, the *Tribunes* of every Legion choſe out one whom they thought the fitteſt Perſon, and gave him a ſolemn Oath at large, the Subſtance of which was, that he ſhould oblige himſelf to obey the Commanders in all Things to the utmoſt of his Power, be ready to attend whenever they ordered his Appearance, and never to leave the Army but by their Conſent. After he had ended, the whole Legion, paſſing one by one, every Man, ſwore to the ſame Effect, crying as he went by, *Idem in me.*

This, and ſome other Oaths, were ſo eſſential to the Military State, that *Juvenal* uſeth the Word *Sacramenta* for *Milites, Militiæ.* Sat. xvi. 35.

Præmia nunc alia, atque alia emolumenta notemus
Sacramentorum.———————

As to raiſing the Confederate Troops, *Polybius* informs us, that at the ſame Time as the Levies were made in *Rome*, the *Conſuls* gave Notice to the Cities of the Allies in *Italy*, intimating the Number of Forces they ſhould have Occaſion to borrow from them, together with the Time and Place when,

when, and where, they would have them make their Rendezvous. The States accordingly convened their Men, and chuſing out their deſired Number, gave them an Oath, and aſſigned them a Commander in Chief, and a Pay-maſter-General. We may obſerve, that in the Time of *Polybius*, all *Italy* was indeed ſubject to the *Romans*; yet no State, or People in it, had been reduced into the Form of a Province; retaining, for the Generality, their old Governors and Laws, and being termed *Socii*, or Confederates.

But, after all, the *Italians* were not only divided into ſeparate *Provinces*, but afterwards honoured with the *Jus Civitatis*; the Name of *Socii* ceaſed, all the Natives of *Italy* being accounted *Romans*; and therefore, inſtead of the ſocial Troops, the *Auxilia* were afterwards procured, which are carefully to be diſtinguiſhed from the former. They were ſent by foreign States and Princes, at the Deſire of the *Roman* Senate, or Generals, and were allowed a ſet Pay from the Republic; whereas the *Socii* received no Conſideration for their Service, but a Diſtribution of Corn.

CHAP. IV.

Of the EVOCATI.

THE moſt eminent Degree of Soldiers were the *Evocati*, taken as well out of Allies as Citizens, out of Horſe as Foot, not by Force, but at the Requeſt and Intreaty of the *Conſuls*, or other Officers: For which Purpoſe, Letters were commonly diſpatched to every particular Man whom they deſigned thus to invite into their Service. Theſe were old experienced Soldiers, and generally ſuch as had ſerved their legal Time, or had received particular Marks of Favour as a Reward of their Valour, on which Accounts they were ſtiled *Emeriti*, and *Beneficiarii:* Scarce any War was undertaken, but a great Number of theſe were invited into the Army, therefore they had the Honour to be reckoned almoſt equal with the *Centurions*. In the Field they uſually guarded the chief Standard, being excuſed from all the Military Drudgery, of ſtanding on the Watch, labouring in the Works, and other ſervile Employments.

The

The Emperor *Galba* gave the ſame Name of *Evocati* to a ſelect Band of young Gentlemen of the *Equeſtrian* Rank, whom he kept as a Guard in his Palace (*a*).

(*a*) *Sueton. in Galb.* c. 16.

CHAP. V.

The ſeveral Kinds of the Roman *Foot, and their Diviſions into* Manipuli, Cohorts, *and* Legions.

THE whole *Roman* Infantry was divided into four Sorts, *Velites*, *Haſtati*, *Principes*, and *Triarii*.

The *Velites* were commonly ſome of the *Tiros*, or young Soldiers, of mean Condition, and lightly armed. They had their Name *a velocitate*, from their Swiftneſs and Expedition. They ſeem not to have been divided into diſtinct Bodies or Companies, but to have marched in looſe Order before the Army.

The *Haſtati* were ſo called, becauſe they uſed in antient Times to fight with Spears, which were afterwards laid aſide, as incommodious; theſe were taken out the next in Age to the *Velites*.

The *Principes* were generally Men of middle Age, and of greateſt Vigour; it is probable, that before the Inſtitution of the *Haſtati*, they uſed to begin the Fight, whence they borrowed their Name.

The *Triarii* were commonly *Veterans*, or hardy old Soldiers, of long Experience and approved Valour. They had their Name from their Poſition, being marſhalled in the third Place, as the main Strength and Hopes of their Party. They are ſometimes called *Pilarii*, from their Weapon, the *Pilum*.

Every one of theſe grand Diviſions, except the *Velites*, compoſed thirty *Manipuli*, or Companies; every *Manipulus* made two Centuries, or *Ordines*.

Three *Manipuli*, one of the *Haſtati*, another of the *Principes*, and a Third of the *Triarii*, compoſed a *Cohors*. Among theſe, one was filled with ſome of the choiceſt Soldiers and Officers, obtaining the honourable Title of *Prima Cohors*. We meet too with the *Prætoria Cohors*, inſtituted by *Scipio Numantinus*; ſelected for the moſt Part out of the *Evocati* or Reformades, and obliged only to attend on the *Prætor*

Prætor or General: And this gave Original to the *Prætoriani*, the Life-guard of the Emperors.

Ten Cohorts made up a Legion; the exact Number of Foot in such a Battalion, *Romulus* fixed at three thousand; though *Plutarch* assures us, that after the Reception of the *Sabines* into *Rome*, he encreased it to six thousand. The common Number afterwards, in the first Times of the Free State, was four thousand: In the War with *Hannibal*, it rose to five thousand. After this, it is probable they sunk to about four thousand, or four thousand two hundred again; which was the Number in the Time of *Polybius*.

In the Age of *Julius Cæsar*, we do not find any Legions exceeding the *Polybian* Number of Men; and he himself expressly speaks of two Legions, that did not make above seven thousand between them (*a*).

The Number of Legions kept in Pay together, was different, according to the various Times and Occasions. During the free State, four Legions were commonly raised every Year, and divided between the two *Consuls*: Yet in Cases of Necessity, we sometimes meet with no less than sixteen or eighteen, in *Livy*.

Augustus maintained a standing Army of twenty-three, or (as some will have it) of twenty-five Legions; but in After-times we seldom find so many.

They borrowed their Names from the Order in which they were raised, as *Prima*, *Secunda*, *Tertia*; but because it usually happened, that there were several *Primæ*, *Secundæ*, &c. in several Places, upon that Account they assumed a Surname, either from the Emperors who first constituted them, as *Augusta*, *Claudiana*, *Galbiana*, *Flavia*, *Ulpia*, *Trajana*, *Antoniana*, or from the Provinces which had been conquered chiefly by their Valour; as *Parthica*, *Scythica*, *Gallica*, *Arabica*, &c. Or from the Names of the particular Deities, for whom their Commanders had an especial Honour, as *Minervia*, and *Apollinaris*: Or from the Region where they had their Quarters; as *Cretensis*, *Cyrenaica*, *Britannica*, &c. Or sometimes upon Account of the Accidents; as *Adjutrix*, *Martia*, *Fulminatrix*, *Rapax*, &c.

(*a*) *Commentar.* lib. 5.

CHAP.

CHAP. VI.

The Diviſion of the CAVALRY, *and of the* ALLIES.

THE Horſe required to every Legion was three hundred, divided into ten *Turmæ* or Troops, thirty to a Troop, every *Turma* making three *Decuriæ*, or Bodies of ten Men.

This Number of three hundred was termed *juſtus Equitatus*, and is underſtood as often as we meet with *Legio cum ſuo Equitatu*, or *Legio cum juſto Equitatu*. And though we now and then find a different Number, as two hundred in a Place or two of *Livy* and *Cæſar*; yet we muſt ſuppoſe this Alteration to have proceeded from ſome extraordinary Cauſe, and conſequently to be of no Authority againſt Hiſtory.

The foreign Troops, under which we may compriſe the *Socii* and Auxiliaries, were not divided as the Citizens into Legions, but firſt into great Bodies, termed *Alæ*, or *Cornua*, and thoſe again into Companies, uſually of the ſame Nature with thoſe of the *Romans*; though, as to this, we have little Certainty in Hiſtory, being a Matter of ſmall Importance.

We may farther remark, that the Forces which the *Romans* borrowed of the confederate States were equal to their own in Foot, and double in Horſe; though by diſpoſing and dividing them with great Policy and Caution, they prevented any Deſign that they might poſſibly entertain againſt the natural Forces; for about a third Part of the foreign Horſe, and a fifth of the Foot, were ſeparated from the reſt, under the Name of *Extraordinarii*; and a more ſelect Part of thoſe, with the Title of *Ablecti*.

In the Time of the Emperors, the auxiliary Forces were commonly honoured with the Name and Conſtitution of Legions, though the more antient Appellation of *Alæ*, frequently occurs.

They were called *Alæ*, from their Poſition in the Army; and therefore we muſt expect ſometimes to find the ſame Name applied to the *Roman* Soldiers, when they happened to have the ſame Stations.

CHAP.

CHAP. VII.

The Officers in the ROMAN *Army; and firſt of the* Centurions *and* Tribunes; *with the Commanders of the Horſe, and of the confederate Forces.*

THE military Officers may be divided, according to *Lipſius*, into proper and common; the firſt preſiding over ſome particular Part, as the *Centurions* and *Tribunes*; the other uſing an equal Authority over the whole Army, as the *Legati* and General.

We cannot have a tolerable Notion of the *Centurions*, without remembering what has been already delivered; that every one of the thirty *Manipuli* in a Legion was divided into two *Ordines* or Ranks; and conſequently the three Bodies of the *Haſtati*, *Principes*, and *Triarii*, into twenty Orders apiece, or ten *Manipuli*. Every *Manipulus* was allowed two *Centurions*, or Captains; one to each Order or Century: And, to determine the Point of Priority between them, they were created at two different Elections. The thirty who were made firſt, always took the Precedency of the others, and therefore commanded the right Hand Orders, as the others did the Left.

The *Triarii*, or *Pilani*, being eſteemed the moſt honourable, had their *Centurions* elected firſt; next to them the *Principes*, and afterwards the *Haſtati*; whence they were called *primus & ſecundus Pilus*, *primus & ſecundus Princeps*, *primus & ſecundus Haſtatus*; and ſo on.

Here it may be obſerved, that *primi Ordines* is uſed ſometimes in Hiſtorians, for the *Centurions* of thoſe Orders; and the ſame *Centurions* are ſometimes ſtyled *Principes Ordinum* and *Principes Centurionum*.

We may take Notice too, what a large Field there lay for Promotion; firſt, through all the Orders of the *Haſtati*, then quite through the *Principes*; and afterwards from the laſt Order of the *Triarii*, to the *Primipilus*, the moſt honourable of the *Centurions*, and who deſerves to be particularly deſcribed.

This

This Officer, beſides his Name of *Primipilus*, went under the ſeveral Titles of *Dux Legionis*, *Præfectus Legionis*, *Primus Centurionum*, and *Primus Centurio*; and was the *Centurion* of the right Hand Order of the firſt *Manipulus* of the *Triarians* or *Pilani*, in every Legion. He preſided over all the other *Centurions*; and, generally, gave the Word of Command in Exerciſes and Engagements, by Order of the *Tribunes*. Beſides this, he had the Care of the Eagle, or chief Standard of the Legion: Hence, *Aquilæ præeſſe* is to bear the Dignity of *Primipilus*; and, hence, *Aquila* is taken by *Pliny* for the ſaid Office; and *Juvenal* ſeems to intimate the ſame:

> *Ut locupletem Aquilam tibi Sexageſimus annus*
> *Adferat.* Sat. xiv. 197.

Nor was this Station only honourable, but very profitable too; for he had a ſpecial Stipend allowed him, probably as much as a Knight's Eſtate; and when he left that Charge, was reputed equal to the Members of the Equeſtrian Order, bearing the Title of *Primipilarius*; in the ſame Manner as thoſe, who had diſcharged the greateſt civil Offices, were ſtyled ever after *Conſulares*, *Cenſorii*, *Prætorii*, *Quæſtorii*, and *Ædilitii*.

The Badge of the *Centurion*'s Office was the *Vitis* or Rod, which they bore in their Hand; whence *vitem poſcere* imports the ſame as to ſue for a *Centurion*'s Place. The *Evocati* too had the Privilege of uſing the *Vitis*, as being in all Reſpects ſuperior to the *Centurions*.

As to the Reaſon why this Rod ſhould be made of a Vine-branch, an old Scholiaſt upon *Juvenal* facetiouſly ſays, that *Bacchus* made uſe of ſuch a Scepter in his martial Expedition, and recommended the Uſe of it to Poſterity.

Beſides the *Centurions*, every *Manipulus* had two *Vexillarii* or Enſigns; and every *Centurion* choſe two *Optiones*, or *Succenturiones*, to be his Deputies or Lieutenants.

The *Tribunes* owe their Name and Original to *Romulus*'s Inſtitution, when he choſe three Officers in chief, of that Name out of the three Tribes into which he divided his City. The Number afterwards encreaſed to ſix in every Legion. They were created, at firſt by the Kings, afterwards by the Conſuls for ſome Time until about *A. U. C.* 393, when the People aſſumed this Right to themſelves: And though in the War with *Perſeus* King of *Macedon*, this Privilege was re-aſſumed by the Conſuls

ſuls (*a*), yet we find that in the very ſame War, it quickly after returned to the People (*b*). It is probable, that ſoon after they divided this Power between them, one half of the *Tribunes* being aſſigned by the Conſuls, the other half elected by the People. The former were termed *Rufuli*, or *Rutuli*; on Account of *Rutilius Rufus* preferring a Law in their Favour. The others *Comitiati*, as they obtained their Command by the public Votes in the *Comitia* (*c*). They were ſometimes choſen from amongſt the Equeſtrian and Senatorian Orders: And in the Time of the *Cæſars*, moſt (if not all) of the *Tribunes* ſeem to have been either Senators or Knights. Which occaſioned their being divided into the *Laticlavii*, and the *Anguſticlavii*; the *latus clavus* properly belonging to the former, and the *anguſtus clavus* to the latter.

The Buſineſs of the *Tribunes* was to decide all Controverſies in the Army; to give the Word to the Watch; beſides the Care of the Works and Camp, and ſeveral other Particulars, which ſhall be properly attended to as they ariſe.

They had the Honour of wearing a Gold-ring, in the ſame Manner as the *Equites*; and as their Office was much eſteemed, it was limited to no longer a Continuance than ſix Months, in order to encreaſe the Rotation. For the Knowledge of both theſe Cuſtoms, we are beholden to one of the Verſes of *Juvenal*, Sat. vii. 89.

Semeſtri vatum digitos circumligat auro.

Every *Turma*, or Troop of Horſe, had three *Decurions*, or Captains of ten: But he, that was firſt elected, commanded the Troop, and the others were but his Lieutenants; though every one of the *Decurions* had an *Optio*, or Deputy under him.

As to the Confederate, or foreign Forces, we are not certain how the ſmaller Bodies of them were commanded: But it ſeems moſt probable, that the *Romans* generally diſpoſed of them according to their Diſcipline, and aſſigned them Officers of the ſame Nature with thoſe of the Legions. But the two *Alæ*, or great Diviſions of the Allies, we are aſſured had each a *Præfect* (appointed them by the *Roman* Conſul,) who governed in the ſame Manner as the legionary *Tribunes*.

(*a*) *Vide Liv.* l. 42. (*b*) *Vid. Liv.* l. 43. (*c*) *Vid. Aſcon. Pædian. in Verrin.*

CHAP. VIII.

The Legati, *and the* Imperator, *or General.*

THE Deſign of the *Legati*, at their Inſtitution, was not ſo much to command, as to adviſe; the Senate ſelecting ſome of the oldeſt and moſt prudent Members to aſſiſt the General in his Councils. *Dionyſius* calls this "The moſt "Honourable and ſacred Office among the *Romans*, bearing "not only the Authority of a Commander, but, alſo, the "Sanctity and Veneration of a Prieſt (*a*)". And he and *Polybius* gave them no other Name than πρεσβύται ἢ σύμβουλοι, *Elders* and *Counſellors*.

They were choſen commonly by the *Conſuls*; the Authority of the Senate concurring with their Nomination: Though this was ſometimes ſlighted, or contradicted; as appears from *Cicero*, in his Orations for *Sextus*, and againſt *Vatinius*.

They commanded in chief under the General, and managed all Affairs by his Permiſſion; whence *Cæſar* calls their Power *Opera fiduciaria* (*b*). And, when the *Conſul* or *Proconſul* was abſent, they had the Honour of uſing the *Faſces*, and were intruſted with the ſame Charge as the Officer whom they repreſented.

As to the Number of the *Legati*, we have no Certainty, but we may ſuppoſe it to have depended upon the Pleaſure of the General, and upon the Nature and Conſequence of the Affair, in which they were engaged: However, we have very good Authority, to aſſign one to every legion.

Under the Emperors, there were two Sorts of *Legati*; *Conſulares* and *Prætorii*; the firſt commanded whole Armies, as the Emperor's Lieutenant-general; and the others, only particular Legions.

The General excelled all other Officers, not only becauſe he had the chief Command of the whole Army, Horſe and Foot, Legions and Auxiliaries; but eſpecially as he was allowed the *Auſpicia*, or the Honour of taking Omens, which made a very ſolemn Ceremony in all military Expeditions. Hence they were ſaid, *gerere rem ſuis auſpiciis*, and *ſuis divis*. This was moſt properly applied, when they

(*a*) *Dionyſ. Halicarn.* lib. 11. (*b*) *Bello Civil.* lib. 2.

did

did not act in Person; as *Suetonius*, when he reckons up the Conquests of *Augustus*, expresses himself: *Domuit autem partim ductu, partim auspiciis suis*, &c. (*a*).

Machiavel (*b*) highly extols the Wisdom of the *Romans* in allowing their Generals unlimited Commissions, by which they were empowered to fight or not; to attack a Town or not, or to conduct themselves as they would, without controul; the Senate only reserving the Power of making Peace and War, unless upon extraordinary occasions. This Conduct was the Occasion of many remarkable Victories, that otherwise would have been prevented. Thus, when *Fabius Maximus* had given the *Tuscans* a considerable Defeat at *Sutrium*, and entered on a Resolution to pass the *Ciminian* Forest, (a very dangerous and difficult Adventure;) he proceeded without waiting for farther Orders from *Rome*, marching his Forces into the Enemies Country, and, at the other Side of the Forest, gave them a total Overthrow. In the mean Time, the Senate, fearing he might venture on such an hazardous Attempt, sent the *Tribunes* of the Commons, with other Officers, to order him not by any Means to think of such an Enterprise; who not arriving till he had effected his Design, instead of hindering its Execution, returned with the joyful News of his Success (*c*).

The Preparation for the General's departure was attended with great Pomp and Superstition. The public Prayers and Sacrifices for his Success being finished, he, habited in a rich *Paludamentum*, or a Robe of Purple or Scarlet, interwoven with Gold, begun his March out of the City, accompanied with a vast Retinue of all Sexes and Ages; especially, if the Expedition was undertaken against any potent Adversary; all the People were desirous to attend him with their Wishes, on whom all their Hopes and future Prosperity depended.

If it would not be too minute, we might add a Description of the General's led Horses, with their rich Trappings of Purple and Cloth of Gold: Such as *Dionysius* tells us they brought to honest *Quintius* the *Dictator*, in lieu of those he had left with his Plough; or, as those of *Pompey* the *Great*, which *Plutarch* mentions to have been taken by the Enemy in the War with *Sertorius*.

(*a*) *Suet.* in *Aug.* c. 21. (*b*) Machiavel's *Discourse on Liv.* (*c*) *Liv.* l. 9.

The antient *Romans* had one very ſuperſtitious Opinion in regard to the General, who if he conſented to be *devoted* to *Jupiter*, *Mars*, the Earth, and the infernal Gods; all the Misfortunes, which otherwiſe might have happened to his Party, would by virtue of this pious Act, be transferred on their Enemies. This Opinion was confirmed by ſeveral ſucceſsful Inſtances, and particularly in the renowned Family of the *Decii*; of whom, the Father, Son, and Grandſon, all *devoted* themſelves for the Safety of their Armies: The firſt being Conſul with *Manlius*, in the War againſt the *Latins*, and perceiving the left Wing, which he commanded, to give back, he called out to *Valerius* the High-Prieſt, to perform on him the Ceremony of Conſecration, (which we find deſcribed by *Livy* in his eighth Book) and immediately ſpurred his Horſe into the thickeſt of the Enemies Forces, where he was killed, and the *Roman* Army gained the Battle. His Son died in the ſame Manner in the *Tuſcan* War, and his Grandſon in the War with *Pyrrhus*; in both which, the *Romans* were ſucceſsful. *Juvenal* has left this deſerved Encomium in his eighth Satyr. 254.

Plebeiæ Deciorum animæ, plebeia fuerunt
Nomina: pro totis Legionibus hi tamen, & pro
Omnibus auxiliis, atque omni pube Latina
Sufficiunt Diis Infernis, Terræque Parenti:
Pluris enim Decii quam qui ſervantur ab illis.

From a mean Stock the pious *Decii* came,
Small their Eſtates, and Vulgar was their Name:
Yet ſuch their Virtue, that their Loſs alone,
For *Rome* and all our Legions could atone:
Their Country's Doom they by their own retriev'd,
Themſelves more worth than all the Hoſt they ſav'd.

STEPNEY.

CHAP.

CHAP. XVI.

Of the ROMAN *Arms and Weapons.*

FOR the Knowledge of this Subject, it is not neceſſary we ſhould take them in the common Diviſion of Offenſive and Defenſive, but rather place them together, as they belonged to the different Parts of the Soldiery they were intended for.

As to the *Velites*, their Arms were the *Spaniſh* Swords, which the *Romans* thought of the beſt Shape and Temper, and fitteſt for Execution, being ſomething like the *Turkiſh* Scymitars, but ſharper at the Point.

Haſtæ, or Javelins, which are light and ſlender Weapons; of theſe each Man was furniſhed with not leſs than ſeven.

Parma, a round Buckler, (three Feet in Diameter,) of Wood covered with Leather.

Galea, or *Galerus*, a light Caſque for the Head, generally made of the Skin of ſome wild Beaſt, to appear the more terrible. Hence *Virgil*, Æn. vii. 688.

——— *Fulvoſque lupi de pelle galeros.*

and Propertius, iv. xi. 20.

Et galea birſuta comptâ lupinâ jubâ.

It ſeems probable, that after the *Socii* were admitted into the *Roman* Legions, the particular Order of the *Velites* was diſcontinued, and ſome of the youngeſt Soldiers were appointed to ſkirmiſh before the main Body. Hence we find, among the light Forces in the Times of the Emperors, the *Sagittarii* and *Funditores*, who never conſtituted any Part of the proper *Velites*. And ſo, before the Inſtitution of the *Velites*, we meet with the *Rorarii*, whom *Salluſt* calls *Ferentarii*, who performed the ſame Duty, with ſeveral Sorts of Weapons.

Some attribute the like Employment to the *Accenſi*; but theſe were rather ſupernumerary Recruits, or a Kind of Serjeants, in the more antient Armies.

The Arms of the *Haſtati*, *Principes*, and *Triarii*, were in a great Meaſure the ſame; and therefore *Polybius* has not divided them in his Deſcription, but ſpeaks of them altogether.

Their Swords were the ſame as thoſe of the *Velites*; nor is it neceſſary to obſerve any Thing more than that the *Roman* Soldiers uſed commonly to wear it on their right Side, that it might not hinder their Shield; though they are often repreſented otherwiſe in antient Monuments.

Their other Arms, were the *Scutum*, the *Pilum*, the *Galea*, and the *Lorica*.

The *Scutum*, was a Buckler of Wood, the Parts being joined together with little Plates of Iron, and the whole covered with a Bull's Hide: Bound on the outer Edge with Iron to keep off Blows; and likewiſe within, to prevent its ing injured when lying on the Ground: In the Middle was an Iron Boſs or *Umbo* riſing in a conical Form, very ſerviceable to glance off Stones and Darts, and ſometimes to preſs violently upon the Enemy. They are to be diſtinguiſhed from the *Clypei*, which were leſs, and quite round, belonging more properly to other Nations; though for ſome Time uſed by the *Romans*. The *Scuta* themſelves were of two Kinds; the *Ovata*, and the *Imbricata:* The former of a plain oval Figure; the other oblong, and bending inward, like a half Cylinder. *Polybius* makes the *Scuta* four Feet long, and *Plutarch* calls them ποδήρεις, *reaching down to the Feet (a)*. And it is very probable, that they covered almoſt the whole Body, ſince in *Livy* we meet with Soldiers on Guard, ſometimes ſleeping with their Head laid on their Shield, having fixed the other Part of it on the Ground (*b*).

The *Pilum* was a Miſſive Weapon, which they darted at the Enemy. It was commonly four Square, but ſometimes round; compoſed of a Piece of Wood about three Cubits long, and a Slip of Iron of the ſame length, hooked and jagged at the Point. They took abundance of Pains in joining the two Parts together, and did it ſo effectually, that it would oftener fail in the Iron than in the Joint. Every Man had two of theſe *Pila*; and this Number the Poets allude to;

Bina manu lato criſpans haſtilia ferro, Virg. Æn. i. 317.

Quæ duo ſola manu geſtans acclivia monti
Fixerat, intorquet jacula. Statius *Thebaid.* ii.

(*a*) *Plut.* in *P. Æmylio.* (*b*) *Liv.* lib. 44.

C. Marius,

C. Marius, in the *Cimbrian* War, contrived theſe *Pila* after a new Manner: For before, where the Wood was joined to the Iron, it was made faſt with two Iron Pins: *Marius* ſuffered one to remain as before, and put in the Place of the other, a weak wooden Peg; ſo contrived, that when it took Place in the Enemies Shield, it ſhould not ſtand firm as formerly; but, by the wooden Peg breaking, the Iron ſhould bend, and the Javelin continuing to ſtick by its crooked Point, ſhould weigh down the Shield (*a*).

The *Galea* was a Head-piece, or Morrion, coming down to the Shoulders, commonly of Braſs: Though *Plutarch* tells us, that *Camillus* ordered thoſe of his Army to be Iron, as the ſtronger Metal (*b*). The lower Part of this, they called *Buccula*, as we have it in *Juvenal*:

———*Fracta de caſſide Buccula pendens.* Sat. x. 134.

A Chap-faln Beaver looſely hanging by
The Cloven Helm.———

On the Top, was the *Criſta*, or Creſt; in the ornamenting of which, the Soldiers much prided themſelves. In the Time of *Polybius* they wore Plumes of Feathers of various Colours, to render themſelves graceful to their Friends, and terrible to their Enemies, as the Turks do at preſent. But in moſt of the old Monuments we find the Creſts repreſented otherwiſe, and not much different from thoſe on the Top of our modern Head-pieces. *Virgil* mentions the Feathers on a particular Occaſion:

Cujus olorinæ ſurgunt de vertice pennæ. Æn. x. 187.

And he deſcribes *Mezentius*'s Creſt, as made of an Horſe's Mane:

———*Criſtâque hirſutus equinâ.* Æn. x. 869.

But whatever the common Soldiers had for their Creſt, thoſe of the Officers were more ſplendid and curious; being uſually worked in Gold or Silver, and reaching quite acroſs the Helmet for Diſtinction-ſake. If we might mention thoſe of foreign Commanders, the Creſt of King *Pyrrhus*, was very ſingular, which *Plutarch* deſcribes as made of two Goats Horns (*c*).

(*a*) *Plutarch in Mario.* (*b*) *Idem in Camill.* (*c*) *Idem in Pyrrho.*

The *Lorica* was a Brigandine or Coat of Mail, generally made of Leather, and worked over with little Hooks of Iron, and ſometimes adorned with ſmall *Scales* of thin Gold; as we find in *Virgil.*

Loricam conſertam hamis, Æn. iii. 467.

And,

Nec duplici ſquama lorica fidelis & auro. Æn. ix. 707.

Sometimes the *Loricæ* were a Sort of Linnen Caſſocks, ſuch as *Suetonius* attributes to *Galba,* and like that of *Alexander* in *Plutarch*; or thoſe of the *Spaniſh* Troops deſcribed by *Polybius* in his Account of the Battle of *Cannæ.*

The poorer Soldiers, who were rated under a thouſand Drachms, inſtead of this Brigandine, wore a *Pectorale,* or Breaſt-plate of thin Braſs, about twelve Fingers ſquare; and this, with what has already been deſcribed, rendered them compleatly armed; unleſs we add *Ocreæ* or Greaves, which they wore on their Legs; perhaps borrowed (as many other Cuſtoms) from the *Grecians,* ſo well known by the Title of

————'Αχαιοὶ μιδες 'Εϋκνή

In the early Times of the *Romans,* their Cavalry uſed only a round Shield, with an Helmet on their Head, and a Couple of Javelins in their Hands; great Part of their Body being left without Defence. But as ſoon as they found the great Inconveniencies to which they were expoſed, they began to arm themſelves like the *Grecian* Horſe, or much like their own Foot; only their Shield was a little ſhorter and more ſquare, and their Launce or Javelin thicker, with Spikes at each end, that, if one failed them, they had another to depend on.

CHAP.

CHAP. X.

The Order of the Roman *Army drawn up in Battalia.*

WHEN the Officers marſhalled the Army in order to engage, the *Haſtati* were placed in the Front, in thick and firm Ranks; the *Principes* behind them, but not altogether ſo cloſe; and after them the *Triarii*, in ſo looſe an Order, that, they could receive both the *Principes* and the *Haſtati* into their Body when neceſſary. The *Velites*, and in latter Times the Bowmen and Slingers, were not drawn up in this regular Manner, but diſpoſed of either before the Front of the *Haſtati*, or ſcattered among the void Spaces of the ſame *Haſtati*, or ſometimes placed in two Bodies on the Wings; but where-ever they were fixed, theſe light Soldiers began the Combat, ſkirmiſhing in detached Parties with the flying troops of the Enemy. If they prevailed, which very ſeldom happened, they proſecuted the Victory; but upon a Repulſe they fell back by the Flanks of the Army, or rallied again in the Rear. When they retired, the *Haſtati* advanced againſt the Enemy; and in Caſe they found themſelves over-powered, retiring ſoftly toward the *Principes*, fell into the Intervals of their Ranks, and, with them, renewed the Engagement. But if the *Principes* and the *Haſtati* thus joined were too weak to ſuſtain the Weight of the Battle, they all fell back into the wider Intervals of the *Triarii*; and then all together being united into a compact Body, they made another Effort, much more impetuous than any before. If this Aſſault proved ineffectual, the Day was entirely loſt, as to the Infantry, there being no other Reſerve.

This Way of marſhalling the Foot, was in Form of that Order practiſed by Gardiners, which they call the *Quincunx* (*a*); which is admirably compared to it in *Virgil* (*b*).

Ut ſæpe ingenti bello cum longa cohortes
Explicuit Legio, & campo ſtetit agmen aperto,

(*a*) *The Order is aptly repreſented by the Poſition of the Dots on the Cards called the five of Diamonds.* (*b*) *Georg.* ii. 279.

Directæ-

Directæque acies, ac late fluctuat omnis
Ære renidenti tellus, necdum horrida miscent
Prœlia, sed dubius mediis Mars *errat in armis:*
Omnia sint paribus numeris dimensa viarum.
Non animum modo uti pascat prospectus inanem;
Sed quia non aliter vires dabit omnibus æquas
Terra, neque in vacuum poterunt se extendere rami.

As Legions in the Field their Front display,
To try the Fortune of some doubtful Day,
And move to meet their Foes with sober Pace,
Strict to their Figure, though in wider Space,
Before the Battle joins, while from afar
The Field yet glitters with the Pomp of War;
And equal *Mars*, like an impartial Lord,
Leaves all to Fortune, and the Dint of Sword;
So let thy Vines in Intervals be set,
But not their rural Discipline forget,
Indulge their Width, and add a roomy Space,
That their extremest Lines may scarce embrace.
Nor this alone t'indulge a vast Delight,
And make a pleasing Prospect for the Sight:
But for the Ground itself, this only Way
Can equal Vigour to the Plants convey,
Which crowded, want the Room their Branches to display.
DRYDEN.

And as the Reason of that Position of the Trees is not only for Beauty and Figure, but that every particular Tree may have Room to spread its Roots and Boughs, without entangling and hindering the rest; so in this ranking of the Men, the Army was not only set out to the best Advantage, and made the greatest Show, but every particular Soldier had free Room to use his Weapons, and to withdraw himself between the void Spaces behind him, without occasioning any Confusion or Disturbance.

The Stratagem of thus rallying three Times, has been reckoned almost the whole Art and Secret of the *Roman* Discipline; and it was almost impossible it should prove unsuccessful, if duly observed: For Success, in every Engagement, must have failed them three several times, before they could be routed; and the Enemy must have had the Strength and Resolution to overcome them in three several

ral Encounters, for the Deciſion of one Battle: Whereas moſt other Nations, and even the *Grecians* themſelves, drawing up their whole Army, as it were, in one Front, depended on the Effort and Succeſs of a ſingle Charge.

The *Roman* Cavalry was poſted at the two Wings of the Army; and fought ſometimes on foot, ſometimes on Horſeback, as Occaſion required, as is practiſed by our Dragoons: The Confederate, or Auxiliary Forces, compoſed the two Wings of the Army, ſo covered the whole Body of the *Romans*.

As to the Stations of the Commanders, the Generals commonly took up his Poſt near the Centre of the Army, between the *Principes* and the *Triarii*, as the fitteſt Place to give Orders equally to all the Troops. Thus *Virgil* diſpoſes of *Turnus*:

———*Medio Dux agmine Turnus*
Vertitur, Arma tenens.———Æn. ix. 28.

The *Legati* and *Tribunes* were uſually poſted by him; unleſs the former were ordered to command the Wings, or the others ſome particular Part of the Army.

The *Centurions* ſtood every Man at the Head of his Century to lead them up; though ſometimes, out of Courage and Honour, they expoſed themſelves in the Van of the Army: As *Salluſt* reports of *Cataline*, that he poſted all his choice *Centurions*, with the *Evocati*, and the Flower of the Common Soldiers, in the Front of the Battle. But the *Primipili*, or chief *Centurions*, had the Honour to ſtand with the *Tribunes*, near the General's Perſon.

The common Soldiers were placed in ſeveral Ranks, at the Diſcretion of the *Centurions*, according to their Age, Strength, and Experience; every Man having three Feet Square allowed him to manage his Arms in: And it was moſt religiouſly obſerved in their Diſcipline, never to abandon their Ranks, or break their Order, upon any Account.

But beſides the common Methods of drawing up the Army, which are ſufficiently explained by every Hiſtorian of any Note, there were ſeveral other very ſingular Methods of forming themſelves for Battle, according to the Nature of Circumſtances.

Such

Such as the *Cuneus*; when an Army was ranged in the Figure of a Wedge, judged the moſt proper to pierce and break the Order of the Enemy. This was otherwiſe called *Caput porcinum*, which in ſome Meaſure it reſembled.

The *Globus*; when the Soldiers caſt themſelves into a firm round Body, practiſed uſually in Caſes of Extremity.

The *Forfex*; an Army drawn up as it were in the Form of a Pair of Sheers. It ſeems to have been invented on Purpoſe to receive the *Cuneus*, in Caſe the Enemy ſhould make uſe of that Figure. For while they endeavoured to open, and, as it were, to cleave their Squadrons with this Wedge, by keeping their Troops open like the Sheers, and receiving them in the Middle, they not only prevented the Damage their Men were expoſed to, but commonly cut the adverſe Body in Pieces.

The *Turris*, an oblong ſquare Figure, after the Form of a Tower, with very few Men in a File, and the Files extended to a great Length. This ſeems of very antient Original, as being mentioned by *Homer:*

Οἱ δέ τε πυργηδὸν σφέας αὐτῶ ἀρτύσαντες. Iliad. μ. 43.

The *Serra*, or Saw; when the firſt Companies in the Front of the Army, ſometimes advanced, and ſometimes retreated; ſo that by their continual advancing and retreating, they repreſented the Action uſually given that Inſtrument.

CHAP.


Signar um
Militar genera
Duo Milites cum Ulen dibus
Funditor
Sagittarius
Legionarius

CHAP. XI.

The Enſigns and Colours; the Muſic; the Word *in Engagements; the Harangues of the General.*

THERE are ſeveral Things not yet mentioned, relating to the Army, worthy of Obſervation and neceſſary to be known before we deſcribe their Camps and Diſcipline; ſuch as the Enſigns, the Muſic, the Word or Sign made uſe of when engaged, and the Harangues of the General previous to it.

As to the Enſigns, they were either proper to the Foot, or to the Horſe. Enſigns belonging to the Foot, were either the Common one of the whole Legion, or the particular ones of the ſeveral *Manipuli*.

The common Enſign of the whole Legion was an Eagle of Gold or Silver, fixed on the Top of a Spear, holding a Thunderbolt in her Talons, as ready to deliver it. That this was not peculiar to the *Romans*, is evident from the Teſtimony of *Xenophon*; who informs us, That the Royal Enſign of *Cyrus* was a golden Eagle ſpread over a Shield, and faſtened on a Spear; and that the ſame was ſtill uſed by the *Perſian* Kings (*a*).

What the Enſigns of the *Manipuli* formerly were, the very Word points out to us; for, as *Ovid* expreſſes it,

Pertica ſuſpenſos portabat longa Maniplos,
Unde Maniplaris nomina miles habet.

Manipulus properly ſignifying a Wiſp of Hay, ſuch as in ruder Times the Soldiers carried on a Pole for an Enſign.

But this was in the ruſtic Age of *Rome:* Afterwards they made uſe of a Spear, with a tranſverſe Piece on the Top, almoſt like a Croſs; and ſometimes with a Hand on the Top, in Alluſion to *Manipulus:* Below the tranſverſe Part was faſtened one little orbicular Shield, or more, in which they ſometimes placed the ſmaller Images of the Gods, and in latter Times, of the Emperors.

(*a*) *De Inſtit. Cyri*, lib. 7.

Auguſtus

Auguſtus ordered a Globe faſtened on the Head of a Spear to ſerve for this Uſe, in Token of the Conqueſt of the whole World.

The Enſign of the Horſe was not ſolid as the others, but of Cloth, almoſt like our Colours, extending from a Staff. On theſe were commonly the Names of the Emperors, in Golden or Purple Letters.

The Religious Care the Soldiers took of the Enſigns, was extraordinary; they worſhipped them, ſwore by them, and incurred certain Death if they loſt them. Hence it was an uſual Stratagem in a dubious Engagement, for the Commanders to ſnatch the Enſigns out of the Bearers Hands, and throw them among the Troops of the Enemy, knowing that their Men would venture the extremeſt Danger to recover them.

As for the ſeveral Kinds of Standards and Banners, introduced by the later Emperors, juſt before Chriſtianity, and afterwards, they do not fall under the preſent Enquiry, which is confined to the more flouriſhing and vigorous Ages of the Common-wealth.

The *Romans* uſed only Wind-muſic in their Army; the Inſtruments, which ſerved for that Purpoſe, may be diſtinguiſhed into the *Tubæ*, the *Cornua*, the *Buccinæ*, and the *Litui*.

The *Tuba* is ſuppoſed to have been exactly like our Trumpet, running on wider and wider in a direct Line to the Extremity.

The *Cornua* were bent almoſt round; they owe their Name and Original to the Horns of Beaſts, put to the ſame Uſe in the ruder Ages.

The *Buccinæ* ſeem to have taken their Riſe from the ſame Original, and derive their Name from *Bos* and *Cano*. It is very hard to diſtinguiſh thoſe from the *Cornua*, unleſs they were ſomething leſs, and not quite ſo crooked: Yet it is moſt certain, that they were of a different Species; as we never read of the *Cornua* in Uſe with the Watch, or Centinels, but only theſe *Buccinæ*.

The *Litui* were a middle Kind between the *Cornua* and the *Tubæ*, being almoſt ſtraight, only a little turning in at the Top, like the *Lituus*, or ſacred Rod of the *Augur*, from which they borrowed their Name.

Theſe Inſtruments being all made of Braſs, the Players on them went under the Name of *Æneatores*, beſides the particular Term of *Tubicines*, *Cornicines*, *Buccinatores*, &c. and there ſeems to have been a ſet Number aſſigned to every *Manipulus* and *Turma*; beſides ſeveral of an higher Order,

Order, and common to the whole Legion. In a Battle, the former took their Station by the Enſign, or Colours, of their particular Company, or Troop: The others ſtood near the Chief Eagle in a Ring, near the General and principal Officers; and when the Orders were given by the General, theſe began to ſound, and were followed by the reſt, diſperſed through the ſeveral Parts of the Army.

Beſides this *Claſſicum*, or Sound of Inſtruments, the Soldiers gave a general Shout at the firſt Onſet (*a*), which in latter Ages they called *Barritus*, from a *German* Original.

This Cuſtom ſeems to have aroſe from an Inſtinct of Nature, and is attributed almoſt to all Nations that engaged in any Martial Action; as by *Homer* to the *Trojans*; by *Tacitus* to the *Germans*; by *Livy* to the *Gauls*; by *Quintus Curtius* to the *Macedonians* and *Perſians*; by *Thucydides*, *Plutarch*, and other Authors, to the *Grecians*. *Polyænus* honours *Pan* with the Invention of the Device, when he was Lieutenant-General to *Bacchus* in the *Indian* Expedition; and if ſo, we have a very good Original for the *Terrores Panici*, or *Panic Fears*, which might well be the Conſequence of ſuch a diſmal and ſurpriſing Clamour. The *Romans* made one Addition to this Cuſtom, of claſhing their Arms with great Violence, to improve the Strength and Terror of the Noiſe. This they called *Concuſſio Armorum*.

Our famous *Milton* has given us a noble Deſcription of it, as uſed by the Rebel Angels after their Leader's Speech for the renewing of the War:

> He ſpake: And to confirm his Words, out flew
> Millions of flaming Swords, drawn from the Thighs
> Of mighty Cherubims; the ſudden Blaze
> Far round illumin'd Hell: Highly they rag'd
> Againſt the Higheſt, and Fierce with graſped Arms,
> Claſh'd on their Sounding Shields, the Din of War,
> Hurling Defiance toward the Vault of Heaven.
>
> *Parad. Loſt*, B. I.

The Signs of Battle, beſides the *Claſſicum*, were either a Flag or Standard, erected for that Purpoſe, which *Plutarch*, in Two ſeveral Places, calls a *Purple Robe*; or more properly ſome Word or Sentence communicated

(*a*) *Vid. A. Gell. Noct. Attic.* lib. 1, cap. 11.

by

by the General to the Chief Officers, and by them to the whole Army. This commonly contained ſome good Omen; as, *Felicitas*, *Libertas Victoria*, *Fortuna Cæſaris*, and the like; or elſe the Name of ſome Deity; as *Julius Cæſar* uſed *Venus Genetrix*; and *Auguſtus*, *Apollo*. The old *Teſſera*, put to this Uſe, ſeems to have been a Sort of Tally delivered to every Soldier to diſtinguiſh him from the Enemy; and, perhaps, on that they uſed to inſcribe ſome particular Word or Sentence, which afterwards they made uſe of without the Tally.

One great Encouragement, which the Soldiers received on their Entrance on any Adventure, was from the Harangue of the General; who, upon the undertaking an Enterprize, had a Throne erected with green Turf, ſurrounded with the *Faſces*, Enſigns, and other Military Ornaments; from whence he addreſſed himſelf to the Army, put them in Mind of the noble Atchievements of their Anceſtors, told them their own Strength, and explained the Order and Force of the Enemy; raiſing their Hopes with the glorious Rewards of Honour and Victory, and diſſipating their Fears by all the Arguments that a natural Courage and Eloquence could ſuggeſt: This was termed *Allocutio*. Which Cuſtom, though now laid aſide as antiquated and uſeleſs, yet is highly commended in the antient Diſcipline, and, without doubt, has been often the Cauſe of extraordinary Succeſſes, and the Means of ſtifling Sedition, hindering raſh Action, and preventing many unfortunate Diſorders in the Field.

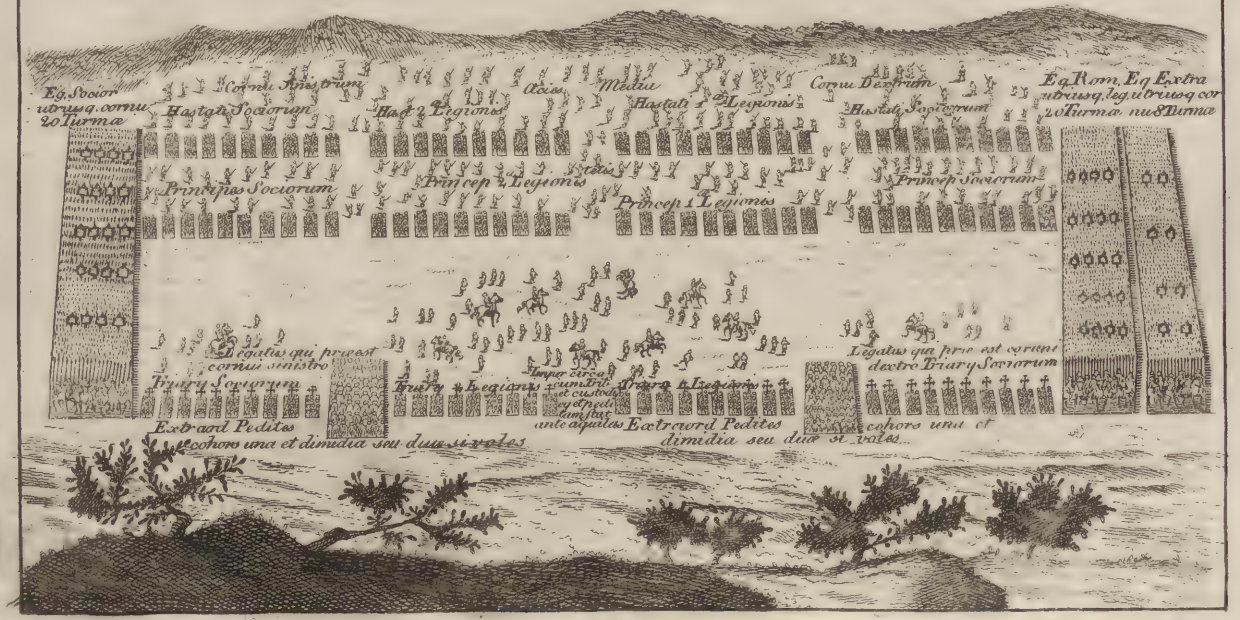
CHAP. XII.

The Form and Diviſion of the ROMAN *Camp.*

THE *Romans* were not more exact in any Thing than in forming their Camp; and Two very great Commanders, *Philip* of *Macedon*, and King *Pyrrhus*, upon a View of their admirable Order and Contrivance, are reported to have expreſſed the greateſt Admiration imaginable of the *Roman* Art, and to have thought them more than *Barbarians*, as the *Grecians* termed all People beſides themſelves.

Before

ICONISMUS ACIEI VULGATÆ.



Before we take a particular View of the Camp, we ſhall diſtinguiſh between the *Caſtra Æſtiva*, and *Hiberna:* The former were ſometimes light and moveable, ſo that they might be ſet up, or taken down, in a Night; and were called ſimply *Caſtra*. At other Times when they deſigned to continue long in their Encampments, they took more Pains to fortify and regulate them, for Convenience and Defence; and then they termed them *Caſtra Stativa*.

The *Hiberna*, or Winter-quarters, were commonly taken up in ſome City or Town, or elſe ſo built as to make almoſt a Town of themſelves. And hence the Antiquarians obſerve, that the modern Towns, whoſe Names end in *ceſter*, were originally theſe *Caſtra Hiberna* of the *Romans*.

The Figure of the *Roman* Camp was four Square, divided into two chief Partitions, the upper and the lower. In the upper Partition, were the Pavilion of the General, and the Lodgments of the chief Officers: In the lower, were diſpoſed the Tents of the common Soldiers, Horſe and Foot.

The General's Apartment, called *Prætorium* (becauſe the antient *Latins* ſtyled all their Commanders *Prætores*) ſeems to have been of a round Figure: The chief Parts of it were the *Tribunal*, or General's Pavilion; the *Augurale*, ſet a-part for Prayers, Sacrifices, and other religious Uſes; the Apartments of the young Noblemen, who came under the Care of the General, to inform themſelves in the Nature of the Countries, and gain ſome Experience in Military Affairs: Theſe Gentlemen had the honourable Title of *Imperatoris Contubernales*.

On the right Side of the *Prætorium* ſtood the *Quæſtorium*, aſſigned to the *Quæſtor*, or Treaſurer of the Army, and near it the *Forum*; ſerving not only for the Sale of Commodities, but alſo for the meeting of Councils, and giving Audience to the Ambaſſadors: This is ſometimes called *Quintana*.

On the other Side of the *Prætorium* were lodged the *Legati*, or Lieutenant-generals: And below the *Prætorium*, the *Tribunes* took up their Quarters by ſix and ſix, oppoſite to their proper Legions, to the End they might the better govern and inſpect them.

The *Præfecti* of the foreign Troops were lodged next the *Tribunes*, over-againſt their reſpective Wings: Behind theſe were the Lodgments of the *Evocati*, and then thoſe of the *Extraordinarii* and *Ablecti Equites*, all which compoſed the higher Part of the Camp.

Between the two Partitions was incloſed a Spot of Ground about an hundred Feet in Length, which they called *Principia*, where the Altars and Statues of the Gods, and (perhaps) the chief Enſigns were fixed all together.

The Middle of the lower Partition, as the moſt honourable Place, was aſſigned to the *Roman* Horſe; and next to them were quartered the *Triarii*; and then the *Principes*; then the *Haſtati*; afterwards the foreign Horſe; and in the laſt Place the foreign Foot.

But the Form and Dimenſions of the Camp cannot be ſo well deſcribed any other Way, as in a Plate, where they are expoſed to View. However, we may remark two great Pieces in Policy in the Way of diſpoſing the confederate Forces: For in the firſt Place, they divided the whole Body of Foreigners, Part in the higheſt Partition of the Camp, and Part in the lower; ſo that they ſhould be ſpread in thin Ranks round the Troops of the State: By which Means the latter, poſſeſſing the middle Space, remained firm and ſolid, while the others were Maſters of very little Strength, being ſeparated ſo vaſt a Diſtance from one another, and lying juſt on the Skirts of the Army.

The *Romans* fortified their Camp with a Ditch and Parapet, which they termed *Foſſa* and *Vallum*: In the laſt, ſome diſtinguiſh two Parts, the *Agger* and the *Sudes*. Tho *Agger* was no more than the Earth caſt up from the *Vallum*; and the *Sudes* were a Sort of Wooden Stakes to ſecure and ſtrengthen it.

CHAP. XIII.

Of the Duties, Works, and Exerciſes of the Soldiers.

THE Duties and Works of the Soldiers conſiſted chiefly in their Watches and Guards, and in caſting up Intrenchments and Ramparts, and ſuch other laborious Services.

The Watches and Guards were divided into the *Excubiæ*, and the *Vigiliæ*: The former by Day, and the latter by Night.

The

The *Excubiæ* were kept either in the Camp, or at the Gates and Intrenchments. For the former, there was allowed a whole *Manipulus* to guard the *Prætorium*; and four Soldiers to the Tent of every *Tribune*.

The *Triarii*, as the moſt honourable Order, were excuſed from the ordinary Watches; and yet being placed exactly oppoſite to the *Equites*, they were obliged to have an Eye over their Horſes.

The *Excubiæ*, at the Gates of the Camp, and at the Intrenchments, were properly called *Stationes*. There ſeems to have been aſſigned one Company of Foot, and one Troop of Horſe to each of the four Gates every Day. And it was a moſt unpardonable Crime to deſert their Poſt, or abandon their Corps. The Excellency of the *Roman* Diſcipline, in this Particular, has appeared on many Occaſions to their great Honour, and Benefit of their Affairs. To give one Inſtance: At the Siege of *Agrigentum* in *Sicily*, in the firſt *Punic* War, when the *Roman* Guards had diſperſed themſelves abroad farther than they ought into the Country for Forage. The *Carthaginians* embracing an Opportunity, made a vigorous Sally from the Town, and in all Probability would have forced the Camp; the Soldiers, who had thus neglected their Duty, being ſenſible of the extreme Penalty they had incurred, reſolved to repair the Fault by ſome remarkable Action; and accordingly rallying, they not only ſuſtained the Shock of the Enemy, to whom they were far inferior in Number, but made ſo great a Slaughter, as compelled them to retreat to their Works, after they had almoſt forced the *Roman* Lines (*a*).

The Night-guards, aſſigned to the General and *Tribunes*, were of the ſame Nature as thoſe in the Day. But the proper *Vigiles* were four in every *Manipulus*, keeping Guard three Hours, and then relieved by Fours: So that there were four Sets in a Night, according to the four Watches, which took their Name from this Cuſtom.

The Way of ſetting this nightly Guard, was by a Tally or *Teſſera*, with a particular Inſcription given from one Centurion to another, quite through the Army until it came again to the Tribune, who had firſt delivered it. Upon the Receipt of it, the Guard was immediately ſet. The Perſon, deputed to carry the *Teſſera* from the Tribunes to the Centurions, was called *Teſſerarius*.

(*a*) *Vide Polyb.* lib. 1.

But, becauſe this was not a ſufficient Regulation of the Buſineſs, they had the *Circuitio Vigilum*, (the Rounds) performed commonly about four Times in the Night, by ſome of the Horſe. Upon extraordinary Occaſions, the Tribunes and Lieutenant-generals, and ſometimes the General himſelf, made theſe Rounds in Perſon, and took a ſtrict View of the Watch in every Part of the Camp.

Livy (*a*) taking an Occaſion to compare the *Macedonians* with the *Roman* Soldiers, gives the latter the Preference, chiefly for their unwearied Labour and Patience in carrying on their Works. And that this was no mean Encomium, appears from the Character *Polybius* (*b*) has beſtowed on the *Macedonians*, that ſcarce any People endured Hardſhips better, or were more patient of Labour whether in their Fortifications or Encampments, or in any other painful Employment incident to the Life of a Soldier. There is no better Way of ſhewing the Excellence of the *Romans* in this Particular, than by giving ſome remarkable Inſtances of their military Works; and we may be ſatisfied with an Account of ſome of them, which are handed down by *Julius Cæſar*.

When he beſieged a Town of the *Atuatici* in *Gallia*, he ſurrounded it with a Rampart of twelve Feet high, and as many broad; ſtrengthened by a vaſt Number of wooden Forts: The whole Compaſs including fifteen Miles: And all this he finiſhed with ſuch wonderful Expedition, that the Enemy were obliged to confeſs, they thought the *Romans* were aſſiſted in theſe Attempts by ſome divine Power (*c*).

At another Time, in an Expedition againſt the *Helvetii* in the ſame Country, with the Aſſiſtance only of one Legion, and ſome provincial Soldiers, he raiſed a Wall nineteen Miles long, and ſixteen Feet high, with a Ditch proportionable (*d*).

More remarkable than either of theſe were his Fortifications before *Aleſia*, or *Alexia* in *Burgundy*, deſcribed by himſelf at large in his ſeventh Book; by which he protected his Army againſt fourſcore thouſand Men that were in the Town, two hundred and forty thouſand Foot, and eight thouſand Horſe that had marched to their Aſſiſtance (*e*).

(*a*) L. 9. (*b*) L. 9. (*c*) *Cæſar. de Bell. Gall.* lib. 2. cap. 8. (*d*) *Idem. Bell. Gall.* (*e*) Ib. lib. 7.

But

But his moſt wonderful Performance, of this Nature, were the Works by which he ſhut up *Pompey* and his Army in *Dyrrhachium*, reaching from Sea to Sea; which are thus elegantly deſcribed by *Lucan*, Lib. vi.

Franguntur montes, planumque per ardua Cæſar
Ducit opus: pandit foſſas, turritaque ſummis
Diſponit Caſtella jugis, magnoque receſſu
Amplexus fines, ſaltus, nemoroſaque teſqua,
Et ſilvas, vaſtaque feras indagine claudit:
Non deſunt campi, non deſunt pabula Magno,
Caſtraque Cæſareo circumdatus aggere mutat, &c.

Vaſt Cliffs, beat down, no more o'erlook the Main,
And levell'd Mountains form a wond'rous Plain:
Unbounded Trenches with high Forts ſecure
The ſtately Works, and ſcorn a rival Power.
Woods, Foreſts, Parks, in endleſs Circuit join'd,
With ſtrange Encloſures cheat the Savage Kind.
Still *Pompey*'s Foragers ſecure may range;
Still he his Camp, without Confinement, change, &c.

The Exerciſes of the Body were, Walking, Running, Leaping, Vaulting and Swimming. The firſt was very ſerviceable upon Account of long Marches, which were ſometimes of Neceſſity to be undertaken; the next to make them give a more violent Charge on the Enemy; and the two laſt for climbing the Ramparts and paſſing the Ditches. The Vaulting belonged properly to the Cavalry, and is ſtill owned as uſeful as ever.

The Exerciſes of their Arms *Lipſius* divides into *Palaria* and *Armatura*.

The *Exercitia ad Palum*, or *Palaria*, were performed in this Manner: They ſet up a great Poſt about ſix Feet high, ſuitable to the Stature of a Man; and this the Soldiers were uſed to attack with all Inſtruments of War, as if it were indeed a real Enemy; learning upon this, by the Aſſiſtance of the *Campidoctores*, how to place their Blows. *Juvenal* brings in the very Women practiſing this Exerciſe.

—Vel quis non vidit vulnera Pali
Quem cavat aſſiduis ſudibus, ſcutoque laceſſit? Sat. vi. 246,

Who has not ſeen them, when, without a Bluſh
Againſt the Poſt their Wicker-Shields they cruſh,
Flouriſh the Sword, and at the Plaſtron puſh?

DRYDEN.

Armatura conſiſted chiefly in the Exerciſes performed with all Manner of miſſive Weapons; as throwing the Spear or Javelin, ſhooting Arrows, and the like; in which the *Tirones*, or new liſted Men, were trained with great Care, and the ſevereſt Diſcipline. *Juvenal* may, perhaps, allude to this Cuſtom in his fifth Satyr: *Vide Juvenal*, 153.

Tu ſcabie frueris mali, quod in aggere rodit,
Qui tegitur parma & galea, metuenſque flagelli
Diſcit ab hirſuto jaculum torquere Capella.

To you ſuch ſcabb'd harſh Fruit is given, as raw
Young Soldiers at their Exerciſing gnaw,
Who trembling learn to throw the fatal Dart,
And under Rods of rough Centurions ſmart.

DRYDEN.

Nor did the common Soldiers only practiſe theſe Feats, but the Commanders themſelves often ſet them an Example of Induſtry, and were very eminent for their Dexterity in Performances of this Nature. Thus the famous *Scipio* is deſcribed by *Italicus:*

Ipſe inter medios venturæ ingentia laudis
Signa dabat, vibrare ſudem, tranſmittere ſaltu
Murales foſſas, undoſum frangere nando
Indutus thoraca vadum, ſpectacula tantæ
Ante acies virtutis erant; ſæpe alite planta
Ilia perfoſſum, & campi per aperta volantem
Ipſe pedes prævertit equum: ſæpe arduus idem
Caſtrorum ſpatium & ſaxo tranſmiſit & haſta. Lib. viii.

Among the reſt the noble Chief came forth,
And ſhew'd glad Omens of his future Worth:
High o'er his Head, admir'd by all the Brave,
He brandiſh'd in the Air his threat'ning Staff;
Or leap'd the Ditch, or ſwam the ſpacious Moat,
Heavy with Arms, and his embroider'd Coat.
Now fiery Steeds, tho' ſpurr'd with Fury on,
On Foot he challeng'd, and on Foot out-run;

While

While croſs the Plain he ſhap'd his airy Courſe,
Flew to the Goal, and ſham'd the gen'rous Horſe.
Now pond'rous Stones, well poiz'd, with both his Hands
Above the wond'ring Crowd unmov'd he ſends;
Now croſs the Camp aims his long Aſhen Spear,
Which o'er ten thouſand Heads flies ſinging thro' the Air.

Thus have we taken a ſhort View of the chief Duties, Works, and Exerciſes of the Soldiers; but we muſt not forget the conſtant Labour of carrying their Baggage on their Shoulders in a March; this was commonly ſo heavy a Burden, that *Virgil* calls it *injuſtus faſcis.* Georg. iii. 346.

Non ſecus ac patriis acer Romanus in armis
Injuſto ſub faſce viam dum carpit, & hoſti
Ante exſpectatum poſitis ſtat in ordine caſtris.

Thus under heavy Arms the Youth of *Rome*
Their long laborious Marches overcome;
Bending with unjuſt Loads they chearly go,
And pitch their ſudden Camp before the Foe.

DRYDEN.

CHAP. XIV.

Of the SOLDIERS PAY.

THE *Roman* Pay conſiſted of three Parts; Money, Corn, and Cloaths.

As to the Money, it is very certain for above three hundred Years togèther the Army ſerved at their own Charge; and when afterwards a certain Pay was eſtabliſhed, it was no more than two *Oboli* a Day to the Foot; to the inferior Officers, and the *Centurions*, four *Oboli:* And to the Horſe a *Drachma* a-piece. It is probable that the *Tribunes* received what was counted very conſiderable, (though *Polybius* is ſilent in this Matter) ſince, in ſeveral Authors, we find a large Salary expreſſed by a Metaphor taken from a *Tribune*'s Stipend: Thus *Juvenal* particularly:

—Alter enim, quantum in Legione Tribuni
Accipiunt, donat Calvinæ *vel* Catienæ. *Sat.* iii. 132.

For t'other wealthy Rogue can throw away
Upon a ſingle Girl a *Tribune*'s Pay.

Yet *Lipſius* has conjectured, from very good Authority, that it could not be more than four Times the ordinary Stipend, or a *Drachma* and two *Oboli*.

And theſe were all ſuch mean Conſiderations, that *Livy* had very good Reaſon for his Remark: *Nulla unquam Reſpublica fuit, in quam tam ſero avaritia luxuriaque immigraverint, nec ubi tantus ac tam diu paupertati ac parcimoniæ honos fuit (a). Never was there any State or Kingdom in which Avarice and Luxury ſo late gained a Head, or where honeſt Poverty and Frugality continued longer in Eſteem and Veneration.*

Julius Cæſar was the firſt that made any conſiderable Alteration in this Affair; who, as *Suetonius* affirms, doubled the legionary Pay for ever.

Auguſtus made an Augmentation of ten *Aſſes* a Day; and the following Emperors ſuch large Additions, that in the Time of *Domitian*, the ordinary Pay was twenty-five *Aſſes per Diem*.

The Paymaſters were the *Quæſtors*, or rather the *Tribuni Ærarii*, who were a diſtinct Society from the former, and who, (as *Voſſius* (*b*) has ſettled the Point) were commiſſioned to take up Money of the *Quæſtors* to pay off the Army. But it is probable, that being many in Number, as they are conſtantly repreſented in Hiſtory, they had ſome other Buſineſs beſides this given in Charge. *Calvin* the *Civilian* ſays, that they had the Surviſal of all the Money coined in the City, as the *Quæſtor* took care of the Taxes coming in from the Provinces (*c*).

Beſides the Pay received in Money, we read of Corn and Cloaths often given to the Soldiers: But *Polybius* aſſures us, That the *Quæſtor* always ſubtracted ſome Part of their Pay on that Account: And *Plutarch*, among the popular Laws of *C. Gracchus*, makes him the Author of one, ordaining, that the Soldiers ſhould be cloathed at the Expence of the State, without the leaſt Diminution of their Stipend. The Wheat allowed to the Foot was every Man four *Modii* a Month; to the Horſe two *Modii*, and ſeven of Barley.

It was common for the Soldiers, eſpecially in the Time of the ſtrict Diſcipline, to prepare the Corn themſelves for

(*a*) *Liv.* lib. 1. (*b*) *In Etym. Lat. in Vo. Trib.* (*c*) *Calv. Jur. in Vo. Trib. Ærarii.*

their

their own Uſe; and therefore ſome carried Hand-mills about with them, to grind it with; others pounded it with Stones; and this, haſtily baked upon the Coals, very often furniſhed them with a Meal, which they made upon Tables of Turf, with no other Drink than bare Water, or what they called *Poſca*, Water ſharpened with a Mixture of Vinegar.

CHAP. XV.

Of the MILITARY PUNISHMENTS.

THE Puniſhments uſed in the Camp, were ſuch as reached either the Offenders Bodies, Credit, or Goods. The corporal Puniſhments were uſually beating with the *Vites* or Rods, or baſtinading with the *Fuſtes:* The laſt, though already reckoned among the civil Puniſhments which did not touch the Life of the Malefactor; yet in the Camp it was for the moſt Part capital, and was inflicted in this Manner. The convicted Perſon being brought before the *Tribune*, was by him gently ſtruck over the Shoulders with a Staff: After this, the Criminal had Leave to run; but, at the ſame Time, the reſt of the Soldiers had Liberty to kill him if they could: So that being attacked by Swords, Darts, Stones, and all Manner of Weapons on every Hand, he was preſently diſpatched. This Penalty was incurred by ſtealing any Thing out of the Camp; by giving falſe Evidence; by abandoning their Poſt in a Battle; by pretending falſely to have done ſome great Exploit, through Hopes of a Reward; or by fighting without the General's Order; by loſing their Weapons; or by aggravating a leſs Miſdemeanour, by repeating it three Times.

If a great Number had offended, as in running from their Colours, mutinying, or other general Crimes, the common Way of proceeding to Juſtice was by *Decimation*, or putting all the Criminals Names together in a Shield or Veſſel, and drawing them out by Lot; every tenth Man being to die without Reprieve, commonly in the Manner juſt now deſcribed: So that by this Means, though all were not alike ſenſible of the Puniſhment; yet all were frighted into Obedience. In later Authors we meet ſometimes with *Viceſimatio*, and *Centeſimatio*, Words which ſufficiently explain themſelves.

The

The Puniſhments which reached no farther than their Credit, by expoſing them to public Shame, were ſuch as theſe; degrading them from a higher Station to a lower; giving them a ſet Quantity of Barley inſtead of Wheat; ungirding them, and taking away their Belt; making them ſtand all Supper Time, while the reſt ſat down; and ſuch other little Marks of Diſgrace.

Beſides theſe, *A. Gellius* has recorded a very ſingular Puniſhment, that of letting the Delinquent Blood. His Judgment concerning the Original of this Cuſtom, is, that in elder Times, it uſed to be preſcribed to the drowſy and ſluggiſh Soldiers, rather as a Medicine than a Puniſhment; and that in After-Ages it might have been applied in moſt other Faults, upon this Conſideration, That all thoſe who did not obſerve the Rules of their Diſcipline, were to be looked upon as ſtupid or mad; and for Perſons in thoſe Conditions, Blood-letting is commonly ſucceſsful (*a*). But becauſe this Reaſon is hardly ſatisfactory, the great Critic *Muretus* has obliged us with another, viz. That thoſe mean-ſpirited Wretches might loſe that Blood with Shame and Diſgrace, which they dared not ſpend nobly and honourably in the Service of their Country (*b*).

As to the Puniſhments relating to Goods and Money, the Tribunes might for ſeveral Faults impoſe a Fine on the Delinquents, and force them to give Pledges, in Caſe they could not pay. Sometimes too they ſtopped their Pay; whence they were called, by Way of Reproach. *Ære diruti.*

(*a*) *A. Gel.* lib. 10. cap. 8. (*b*) *Muret. Variar. Lect.* lib. 13. cap. 20.

CHAP. XVI.

Of the MILITARY REWARDS.

BUT the Encroachments of Valour and Induſtry were much more conſiderable than the Proceedings againſt the contrary Vices. The moſt conſiderable (not to ſpeak of the Promotion from one Station to another, nor of the occaſional *Donatives* in Money, diſtinguiſhed by this Name from the Largeſſes beſtowed on the common People, and termed *Congiarii*,) were firſt the *Dona Imperatoria*; ſuch as

The *Haſta pura*, a fine Spear of Wood without any Iron on it; ſuch an one as *Virgil* has given *Sylvius* in the Sixth of the *Æneids*: line 760.

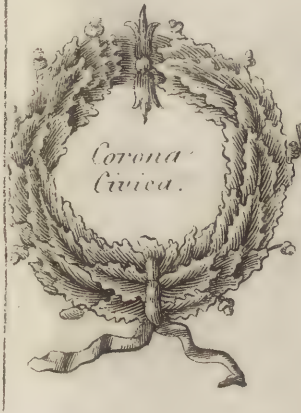
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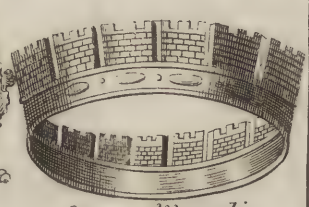
Corona Triumphalis.



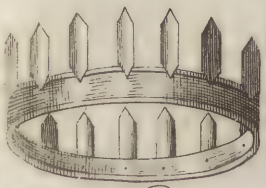
Corona Obsidionalis.



Corona Civica.



Corona Muralis.



Corona Vallaris vel Castrensis.



Corona Navalis.

Ille vides? purâ juvenis qui nititur haſtâ.

This was uſually beſtowed on him, who in ſome Skirmiſh had killed an Enemy, engaging him Hand to Hand. They were reckoned very honourable, and the Gods are commonly repreſented with ſuch Spears, on the old Coins. Mr. *Walker* derives hence the Cuſtom of our great Officers carrying white Rods or Staves, as Enſigns of their Places.

The *Armillæ*, a Sort of Bracelets, given upon Account of ſome eminent Service, only to ſuch as were born *Romans*.

The *Torques*, Golden and Silver Collars, wreathed with curious Art and Beauty. *Pliny* attributes the Golden Collars to the Auxiliaries, and the Silver to the *Roman* Soldiers; but this is ſuppoſed to be a Miſtake.

The *Phaleræ*, commonly thought to be a Suit of rich Trappings for a Horſe; but, becauſe we find them beſtowed an the Foot as well as the Cavalry, we may rather ſuppoſe them to have been golden Chains of like Nature with the *Torques*, only that they ſeem to have hung down to the Breaſt; whereas the others went only round the Neck. The Hopes of theſe two laſt are particularly urged, among the Advantages of a military Life, by *Juvenal*, Sat. xvi. line 60.

Ut læti phaleris omnes, & torquibus omnes.

The *Vexilla*, a Sort of Banners of different Colours, worked in Silk, or other curious Materials, ſuch as *Auguſtus* beſtowed on *Agrippa*, after he had won the Sea-fight at *Actium*.

Next to theſe were the ſeveral Coronets, received on various Occaſions. As,

Corona Civica, given to any Soldier that had ſaved the Life of a *Roman* Citizen in an Engagement. This was reckoned more honourable than any other Crown, though compoſed of no better Materials than Oaken Boughs. *Virgil* calls it *Civilis Quercus*, Æn. vi. line 772.

Atque umbrata gerunt civili tempora Quercu.

Plutarch has gueſſed very happily at the Reaſon why the Branches of this Tree ſhould be uſed before all others. For the Oaken Wreath, ſays he, being Sacred to *Jupiter*, the great Guardian of their City; they might therefore think it the moſt proper Ornament for him who had preſerved a Citizen. Beſides the Oak may very well claim the Preference in this Caſe; becauſe in the primitive Times that Tree alone was thought almoſt ſufficient for preſerving Man's Life: Its Acorns were the principal Diet of the firſt Mortals,

Mortals, and the Honey, which was commonly found there, preſented them with a very pleaſant Liquor (*a*).

It was a particular Honour conferred on the Perſons who had merited this Crown, That, when they came to any of the public Shows, the whole Company, as well Senate as People, ſhould ſignify their Reſpect, by riſing up when they ſaw them enter; and that they ſhould take their Seat on theſe Occaſions among the Senators; being alſo excuſed from all troubleſome Duties and Services in their own Perſons, and procuring the ſame Immunity for their Father and Grandfather by his Side (*b*).

Corona Muralis, given to him who firſt ſcaled the Walls of a City in a general Aſſault; and therefore in the Shape of it there was ſome Alluſion made to the Figure of a Wall.

Corona Caſtrenſis, or *Vallaris*; the Reward of him who had firſt forced the Enemy's Intrenchments.

Corona Navalis, beſtowed on ſuch as had ſignalized their Valour in an Engagement at Sea; being ſet round with Figures like the Beaks of Ships,

——*Cui belli inſigne ſuperbum*
Tempora Navali fulgent roſtrata corona. Virg. Æn. viii. 684.

Lipſius fancies the *Corona Navalis*, and the *Roſtrata*, to have been two diſtinct Species, though they are generally believed to be the ſame Kind of Crown.

Corona Obſidionalis: This was not like the reſt, given by the General to the Soldiers, but preſented by the Soldiers to the General, when he had delivered the *Romans* or their Allies from a Siege. It was compoſed of the Graſs growing in the beſieged Place.

Corona Triumphalis, made with Wreaths of Laurel, and proper only to ſuch Generals as had the Honour of a Triumph. In After-ages this was changed for Gold *, and not reſtrained only to thoſe that actually triumphed, but preſented on ſeveral Accounts, as commonly by the foreign States and Provinces to their Patrons and Benefactors. Several of the other Crowns too are thought to have been of Gold; as the *Caſtrenſis*, the *Mural*, and the *Naval*.

* *Aurum Coronarium.*

Beſides theſe, we meet with the *Coronæ aureæ*, often beſtowed on Soldiers without any other additional Term.

(*a*) *Vide Plutarch, in Coriolan.* (*b*) *Vid. Plin.* lib. 16. cap. 4.

And

And *Dion Caſſius* mentions a particular Sort of Coronet made of Olive Boughs, and beſtowed like the reſt, in Conſideration of ſome ſignal Act of Valour.

Lipſius believes theſe to have ſucceeded to the Golden Crowns, after they were laid aſide.

The moſt remarkable Perſon upon Record in Hiſtory, for obtaining a great Number of theſe Rewards, was one *C. Siccius* (or *Sicinius*) *Dentatus*; who had received in the Time of his Military Service eight Crowns of Gold, fourteen Civic Crowns, three Mural, eighty three Golden *Torques*, ſixty Golden *Armillæ*, eighteen *Haſtæ puræ*, and ſeventy-five *Phaleræ* (*a*).

But far greater Honours were conferred on the victorious Generals; ſome of which were uſually decreed them in their Abſence; others at their Arrival in the City.

Of the former Kind, were the *Salutatio Imperatoris*, and the *Supplicatio*; of the latter, the *Ovation* and the *Triumph*.

The firſt of theſe firſt was no more than the ſaluting the Commander in Chief with the Title of *Imperator*, upon Account of any remarkable Succeſs; which Title was decreed him by the Senate at *Rome*, after it had been given him by the joint Acclamations of the Soldiers in the Camp.

The *Supplicatio* was a ſolemn Proceſſion to the Temple of the Gods, to return Thanks for any Victory.

After obtaining any ſuch remarkable Advantage, the General commonly gave the Senate an Account of the Exploit by Letters wreathed about with Laurel*; in which, after the Account of his Succeſs, he deſired the Favour of a *Supplication*, or public Thankſgiving.

* *Literæ Laureatæ.*

This being granted for a Set Number of Days, the Senate went in a ſolemn Manner to the chief Temples, and aſſiſted at the Sacrifices proper to the Occaſion; holding a Feaſt in the Temples to the Honour of the reſpective Deities. Hence *Servius* explains that of *Virgil*,

—*Simul Divûm Templis indicit honorem*; Æn. i. line 636.

as alluding to a ſolemn *Supplication*.

In the mean Time the whole Body of the Commonalty kept Holy-day, and frequented religious Aſſemblies; giving

(*a*) *Vide A. Gel.* lib. 2. cap. 11. *Valer. Max.* &c.

Thanks

Thanks for the late Succeſs, and imploring a long Continuance of the Divine Favour and Aſſiſtance.

Octavius Cæſar, together with the Conſuls, *Hirtius* and *Panſa*, upon their raiſing the Siege of *Mutina*, were honoured with a Supplication fifty Days long.

At laſt this Ceremony became ridiculous; as appears from the *Supplications* decreed *Nero*, for the Murder of his Mother, and for the Fruitfulneſs of *Poppæa*, which we read of in *Tacitus*.

The *Ovation* is ſuppoſed to have derived its Name from ſhouting *Evion!* to *Bacchus*; but the true Original is *Ovis*, the Sheep which was uſually offered in this Proceſſion, as an Ox was in the Triumph. The Show generally began at the *Alban* Mountain, whence the General, with his Retinue, made his Entry into the City: He went on Foot with many Flutes, or Pipes, ſounding in Concert as he paſſed along, wearing a Garland of Myrtle as a Token of Peace, with an Aſpect rather raiſing Love and Reſpect than Fear. *A. Gellius* informs us, that this Honour was then conferred on the Victor, when either the War had not been proclaimed in due Method, or not undertaken againſt a lawful Enemy, and on a juſt Account; or when the Enemy was but mean and inconſiderable (*a*). But *Plutarch* has delivered his Judgment in a different Manner: He believes that heretofore the Difference betwixt the *Ovation* and the *Triumph* was not taken from the Greatneſs of the Atchievements, but from the Manner of performing them: For they who have fought a ſet Battle, and ſlain a great Number of the Enemy, returned Victors, led that martial, and cruel Proceſſion of the Triumph. But thoſe who without Force, by Benevolence and civil Behaviour, had completed their Affairs without ſhedding human Blood; to theſe Commanders Cuſtom gave the Honour of the peaceable Ovation. For a Pipe is the Enſign of Peace, and the Myrtle the Tree of *Venus*, who, beyond any of the other Deities, has an extreme Averſion to Violence and War (*b*).

But whatever other Difference there lay between theſe two Solemnities, we are aſſured the Triumph was much the more noble and ſplendid Proceſſion. None were capable of this Honour but *Dictators*, *Conſuls*, or *Prætors*; though we find ſome Examples of a different Practice; as particularly in *Pompey the Great*, who had a Triumph decreed him, while he was only a *Roman* Knight, and had not yet reached the Senatorian Age (*c*).

(*a*) *Noct. Att.* lib. v. cap. 6. (*b*) *Plut. in Marcell.* (*c*) *Plut. in Pomp.*

A re-


ICONISMUS TRIUMPHI
Victarum urbium Imagines
Victimæ
Tubicines
Aurum Argentum æratum
Templum Jovis Capitolini
Signa et Tabulæ
Gentium Victarum arma
Pecunia
Vasa
Imperator Triumphans
Gentes bello Captæ
Reges captivi cum familia
Imperatores liberi cognati affines
Exercitus Triumphans
Exercitus Triumphans



A regular Account of the Proceedings, at one of these Solemnities, will give us a better Knowledge of the Matter, than a larger Disquisition about the several Parts and Appendages, that belonged to it. And this the excellent *Plutarch* has favoured us with, in his Description of *Paulus Æmilius*'s Triumph after the taking King *Perseus* Prisoner, and putting a final Period to the *Macedonian* Empire. This must be owned to be the most glorious Occasion imaginable; and therefore we may expect the most compleat Relation that can possibly be desired. The Ceremony then of *Æmilius*'s Triumph was performed after this Manner:

" The People erected Scaffolds in the *Forum* and *Circo*'s, " and all other Parts of the City where they could best be- " hold the Pomp. The Spectators were clad in white Gar- " ments; all the Temples were open and full of Garlands " and Perfumes; the Ways cleared and cleansed by a great " many Officers and Tipstaffs, that drove away such as " thronged the Passage, or straggled up and down. This " Triumph lasted three Days: On the first, which was " scarce long enough for the Sight, were to be seen Statues, " Pictures and Images of an extraordinary Bigness, which " were taken from the Enemy, drawn upon seven hundred " and fifty Chariots. On the second was carried, in a great " many Waggons, the fairest and the richest Armour of the " *Macedonians*, both of Brass and Steel, all newly furbished " and glittering; which, although piled up with the greatest " Art and Order, yet seemed to be tumbled on Heaps care- " lessly and by chance: Helmets were thrown on Shields, " Coats of Mail, upon Greaves, *Cretian* Targets, and *Thra- " cian* Bucklers and Quivers of Arrows lay huddled among " the Horses Bitts; and through these appeared the Points " of naked Swords, intermixed with long Spears. All these " Arms were tied together with such a just Liberty, that " they knocked against one another as they were drawn " along, and made a harsh and terrible Noise; so that the " very Spoils of the conquered could not be beheld without " Dread. After these Waggons loaden with Armour, there " followed three thousand Men, who carried the Silver that " was coined, in seven hundred and fifty Vessels, each of " which weighed three Talents, and was carried by four " Men. Others brought Silver Bowls, Goblets, and Cups, " all disposed in such Order as to make the best Show; " and all valuable, as well for their Bigness, as the Thick- " ness of their engraved Work. On the third Day, early " in

" in the Morning, firſt came the Trumpeters, who did " not ſound as they were wont in a Proceſſion or ſolemn " Entry, but ſuch a Charge as the *Romans* uſe when " they encourage their Soldiers to fight. Next followed " young Men with Girdles curiouſly wrought, who led " to the Sacrifice one hundred and twenty ſtalled Oxen, " with their Horns gilded, and their Heads adorned with " Ribbands and Garlands; and with theſe were Boys that " carried Plates of Silver and Gold. After this was brought " the Gold Coin, which was divided into Veſſels that " weighed three Talents, like to thoſe that contained the " Silver; they were in Number fourſcore wanting three. " Theſe were followed by thoſe that brought the conſecrat- " ed Bowl, which *Æmilius* cauſed to be made, that weigh- " ed ten Talents, and was all beſet with precious Stones: " Then were expoſed to View the Cups of *Antigonus* and " *Seleucus*, and ſuch as were made after the Faſhion in- " vented by *Thericles*, and all the Gold Plate that was uſed " at *Perſeus*'s Table. Next to theſe came *Perſeus*'s Cha- " riot, in which his Armour was placed, and on that his " Diadem: And, after a little Intermiſſion, the King's Chil- " dren were led Captives, and with them a Train of Nurſes, " Maſters, and Governors, who all wept, and ſtretched " forth their Hands to the Spectators, and taught the lit- " tle Infants to beg and intreat their Compaſſion. Theſe " were two Sons and a Daughter, who, by Reaſon of their " tender Age, were altogether inſenſible of the Greatneſs " of their Miſery; which Inſenſibility of their Condition " rendered it much more deplorable; inſomuch that *Per-* " *ſeus* himſelf was ſcarce regarded as he went along, whilſt " Pity had fixed the Eyes of the *Romans* upon the Infants, " and many of them could not forbear Tears: All beheld " the Sight with a Mixture of Sorrow and Joy, until the " Children were paſt. After his Children and their At- " tendants, came *Perſeus* himſelf, clad all in Black, and " wearing Slippers, after the Faſhion of his Country: He " looked like one altogether aſtoniſhed and deprived of Rea- " ſon, through the Greatneſs of his Misfortunes. Next fol- " lowed a great Company of his Friends and Familiars. " whoſe Countenances were disfigured with Grief, and who " teſtified to all that beheld them by their Tears, and " their continual looking upon *Perſeus*, that it was his hard " Fortune they ſo much lamented, and that they were re- " gardleſs of their own.———After theſe were carried four " hundred Crowns, made of Gold, and ſent from the Cities

" by

" by their reſpective Ambaſſadors to *Æmilius*, as a Reward " due to his Valour. Then he came ſeated on a Chariot " magnificently adorned (a Man worthy to be beheld, even " without theſe Enſigns of Power:) He was clad in a Gar- " ment of Purple interwoven with Gold, and held out a " Laurel-Branch in his right Hand. All the Army in like " Manner, with Boughs of Laurel in their Hands, and di- " vided into Bands and Companies, followed the Chariot " of their Commander; ſome ſinging Odes (according to " the uſual Cuſtom,) with a Mixture of Raillery; others, " Songs of Triumph, and the Praiſes of *Æmilius*, who was " admired and accounted happy by all Men, yet unenvied " by every one that was good."

There was one remarkable Addition to this Solemnity, which, though it ſeldom happened, yet deſerves Notice: This was when the *Roman* General had, in any Engage- ment, killed the chief Commander of the Enemy with his own Hands: The Arms of the ſlain General were carried before the Victor, fixed on the Trunk of an Oak, and ſo compoſing a Trophy. In this Manner the Proceſſion went on to the Temple of *Jupiter Feretrius* (ſo called *a feriendo*); and the General making a formal Dedication of this Trophy (called *Spolia opima*,) hung them up in the Temple. The firſt, who performed this gallant Piece of Religion, was *Romulus*, when he had killed *Acron*, King of the *Cæninen- ſes*; the ſecond *Cornelius Coſſus*, with the Arms of *Tolum- nius*, a General of the *Veientes*; the third and laſt *M. Mar- cellus*, with the Arms of *Viridomarus*, King of the *Gauls*; whence *Virgil* ſays of him, *Æn.* vi. line 859.

Tertiaque arma patri ſuſpendet capta Quirino.

Where *Quirino* muſt be underſtood only as an Epithet applied to *Jupiter*, as denoting his Authority and Power in War; as the ſame Word is attributed to *Janus*, by *Horace* and *Suetonius*. Therefore *Servius* is moſt certainly miſ- taken, when he tells us, that the firſt Spoils of this Na- ture, were, according to *Numa*'s Laws, to be preſented to *Jupiter*; the ſecond to *Mars*; and the third to *Quirinus*, or *Romulus*; for that Decree of *Numa* only took Place, if the ſame Perſon had the good Fortune to take theſe Spoils three Times; but we are aſſured, that not only *Romulus*, but *Coſſus* and *Marcellus* too all made the Dedication to *Jupiter*.

The Admirers of *Roman* Magnificence will be infinitely pleaſed with the Relation already given from *Plutarch* of the triumphal Pomp: While others, who fancy that People to have been poſſeſſed with a ſtrange Meaſure of Vain-glory, and attribute all their military State and Grandeur to Oſtentation, will be much better ſatisfied with the ſatyrical Account which *Juvenal* furniſhes us with in his Tenth Satyr. He is ſaying, that *Democritus* found Subject enough for a continual Fit of Laughter, in Places where there was no ſuch formal Pageantry, as is commonly to be ſeen in *Rome:* And then he goes on: *ver.* 36.

Quid, ſi vidiſſet Prætorem curribus altis
Exſtantem, & medio ſublimem in pulvere Circi
In tunica Jovis, & pictæ Sarrana ferentem
Ex humeris aulæa togæ, magnæque coronæ
Tantum orbem, quanto cervix non ſufficit ulla?
Quippe tenet ſudans hanc publicus; & ſibi Conſul
Ne placeat, curru ſervus portatur eodem.
Da nunc & volucrem, Sceptro quæ ſurgit eburno,
Illinc cornicines, hinc præcedentia longi
Agminis officia, & niveos ad fræna Quirites,
Defoſſa in loculis, quos ſportula fecit amicos.

What had he done, had he beheld on high
Our *Conſul* ſeated in mock-Majeſty;
His Chariot rowling o'er the duſty Place;
While with dumb Pride, and a ſet formal Face,
He moves in the dull ceremonial Track,
With *Jove*'s embroider'd Coat upon his Back?
A Suit of Hangings had not more oppreſt
His Shoulders, than that long laborious Veſt.
A heavy Gewgaw (call'd a Crown) that ſpread
About his Temples, drown'd his narrow Head;
And wou'd have cruſh'd it with the maſſy Freight,
But that a ſweating Slave ſuſtain'd the Weight;
A Slave in the ſame Chariot ſeen to ride,
To mortify the mighty Madman's Pride.
And now th' Imperial Eagle rais'd on high
With golden Beak, (the Mark of Majeſty,)
Trumpets Before, and on the Left and Right
A Cavalcade of Nobles all in white:
In their own Natures falſe and flattering Tribes;
But made his Friends by Places and by Bribes.

DRYDEN.

CHAP.

CHAP. XVII.

The ROMAN *Method of declaring War, and forming Alliances.*

THE *Romans* uſed Abundance of Superſtition in entering upon any hoſtile Meaſure, or engaging in any Alliance, or Confederacy: The public Miniſters, who performed the ceremonial Part of both theſe, were the *Feciales*, or Heralds, already deſcribed among the Prieſts; the Ceremonies themſelves, were of this Nature. When any neighbouring State had given ſufficient Reaſon for the *Senate* to ſuſpect a Deſign of breaking with them; or had offered any Violence or Injuſtice to the Subjects of *Rome*, which was enough to raiſe Suſpicions of their Fidelity; one of the *Feciales*, choſen out of the College on this Occaſion, and habited in the Veſt belonging to his Order, together with his other Enſigns and Habiliments, ſet out for the Enemy's Country. As ſoon as he arrived at the Confines, he pronounced a formal Declaration of the Cauſe of his Arrival, calling all the Gods to witneſs, and imprecating the Divine Vengeance on himſelf and his Country, if his Reaſons were not juſt. When he came to the chief City of the Enemy, he again repeated the ſame Declaration, with ſome Addition, and deſired Satisfaction. If they delivered into his Power the Authors of the Injury, or gave Hoſtages, he returned to *Rome*; if otherwiſe they deſired Time to conſider, he went away for ten Days, and then came again to hear their Reſolution. And this he did, in ſome Caſes, three Times: But if nothing was done toward an Accommodation in about thirty Days, he declared that the *Romans* would endeavour to aſſert their Right by Arms. After this, the Herald was obliged to return, and to make a true Report of his Embaſſy before the *Senate*, aſſuring them of the Legality of the War, which was under Deliberation; and was again diſpatched to perform the laſt Part of the Ceremony, which was to throw a Spear into (or towards) the Enemy's Country, as a Declaration of War, pronouncing at the ſame Time a ſet Form of Words to that Purpoſe.

As to making Alliances, *Polybius* acquaints us, That the Ratification of the Articles of an Agreement, between the *Romans* and the *Carthaginians*, was performed in this

Manner: The *Carthaginians* ſwore by the Gods of their Country; and the *Romans*, after their antient Cuſtom, ſwore by a *Stone*, and then by *Mars*. They ſwore by a *Stone* thus: The Herald who took the Oath, having ſworn in Behalf of the Public, took up a Stone, and then pronounced theſe Words:

"If I keep my Faith, may the Gods vouchſafe their Aſ-
"ſiſtance, and give me Succeſs; if, on the contrary, I
"violate it, then may the other Party be entirely ſafe,
"and preſerved in their Country, in their Laws, in their
"Poſſeſſions, and, in a Word, in all their Rights and Li-
"berties; and may I alone periſh and fall, as now this
"Stone does:" And then he lets the Stone fall out of his Hands (*a*).

Livy's Account of this Ceremony, which is ſomething more particular, differs but little in Subſtance, he ſays the Herald's concluding Clauſe was, *Otherwiſe may* Jove *ſtrike the* Roman *People, as I do this Hog*; and accordingly he killed an Hog that ſtood ready by, with the Stone which he held in his Hand. This laſt Opinion is confirmed by the Authority of *Virgil*, when, ſpeaking of the *Romans* and *Albans*, he ſays, Æn. viii. ver. 641.

———*Et cæſa jungebant fœdera Porca.*

And perhaps both theſe Cuſtoms might be in Uſe in different Periods.

(*a*) *Polyb.* lib. 3.

CHAP.

CHAP. XVIII.

The Roman *Method of treating the People they conquered; with the Conſtitution of the* Coloniæ, Municipia, Præfecturæ, *and* Provinces.

THE extraordinary Favour with which the *Romans* treated the conquered Nations, has been with Juſtice eſteemed one of the principal Cauſes of the Extent of their Dominions, and Eſtabliſhment of their Command: Yet, when they judged it neceſſary, they practiſed ſeveral ſevere Methods, ſuch as ſeizing on the greateſt Part of the Enemy's Land, or removing the Natives to another Spot. If a State or People were unavoidably conſtrained to ſurrender themſelves to the *Roman* Power, they uſed *ſub jugum mitti*, to be made to paſs under a Yoke, as an Acknowledgment of Subjection: For this Purpoſe they ſet up two Spears, and laying a third acroſs at the Top, ordered thoſe who had ſurrendered, to paſs under them without Arms or Belts. Thoſe who refuſed to ſurrender were compelled by Force, and underwent ſeveral Penalties, and frequently (*ſub corona venibant*) were publicly ſold for Slaves. By *Corona* was underſtood a Sort of Chaplets, which they bound about the *Captives* Head for Diſtinction; others would have it to ſignify the Ring of *Roman* Soldiers, who incloſed the *Captives* when they were expoſed to Sale. *A. Gellius* prefers the former Reaſon (*a*).

The ſeveral Forms of Government, which the *Romans* eſtabliſhed in their Conqueſts, are neceſſary to be known, and but ſeldom rightly underſtood: We ſhall point out theſe four: *Colonies*, *Municipia*, *Præfecturæ*, and *Provinces*.

Colonies (properly ſpeaking) were Communities, the chief Part of whoſe Inhabitants had been removed from *Rome:* And though interſperſed amongſt the Natives who had remained in the conquered Countries; they obtained the Power and Authority in the Adminiſtration of Affairs. One great Advantage of this Inſtitution was, that by this Means the veteran Soldiers, who had ſerved out their legal Time, and had ſpent their Vigour in Defence of their Country, might be honourably rewarded,

(*a*) *Lib.* 7. *cap.* 4.

by forming them into Colonies, and ſending them where they might enjoy large Poſſeſſions, and ſpend the Remainder of their Days in Eaſe and Tranquillity.

Municipia, were commonly Corporations, or infranchiſed Places, where the Natives were allowed the Uſe of their old Laws and Conſtitutions, and at the ſame Time honoured with the Privilege of *Roman* Citizens. But this Privilege, in ſome of the *Municipia*, extended no farther than the ſet Title, without the Privileges of Citizens, as voting in the Aſſemblies, and bearing Offices in the City. The firſt honoured them with the Name of *Cives Romani*, the other with only of *Romani*; as *P. Manutius* with his uſual Exactneſs has diſtinguiſhed (*a*). Of this latter Sort, the firſt Example was the *Cærites*, a People of *Tuſcany*, who preſerving the ſacred Relics of the *Romans*, when the *Gauls* had taken the City, were afterwards dignified with the Name of *Roman* Citizens; but not admitted into any Part of the public Adminiſtration. Hence the *Cenſors* Tables, where they entered the Names of Perſons, who, for ſome Miſdemeanor, loſt their Right of Suffrage, had the Name of *Cærites Tabulæ* given them (*b*).

The *Præfecturæ* were certain Towns in *Italy*, whoſe Inhabitants had the Name of *Roman* Citizens; but were neither governed by their own Laws or Magiſtrates, by annual *Præfects* ſent from *Rome*. Theſe were generally ſuch Places as were either ſuſpected, or had actually incurred the Diſpleaſure of the *Roman* State; this being accounted the hardeſt Condition that was impoſed on any People of *Italy* (*c*).

The Differences between the proper Citizens of *Rome*, and the Inhabitants of *Municipia*, Colonies, and *Præfecturæ*, may be thus briefly ſtated: The firſt and higheſt Order were regiſtered in the *Cenſus*, had the Right of Suffrage and of bearing Honours, were aſſeſſed in the Poll-tax, ſerved in the Legions, uſed the *Roman* Laws and Religion, and were called *Quirites* and *Populus Romanus*. The *Municipes* were allowed the four firſt of theſe Marks, and were denied the four laſt. The *Coloni* were in theſe three Reſpects like the privileged Citizens, that uſed the *Roman* Laws and Religion, and ſerved in the Legions; but they were not allowed the other five Conditions. The People in the *Præfecturæ* were ſuch as ſubmitted to the moſt reſtrained

(*a*) *De Civitat.* Rom. *p.* 29. (*b*) *A. Gell.* lib. 16. cap. 13. (*c*) *Calv. Lexicon. Juridic. in voce.*

State;

State; who though obedient to the *Roman* Laws, yet did not enjoy the Privilege of Citizens (*a*).

All other Cities and States in *Italy*, which were neither *Colonies*, *Municipia*, nor *Præfecturæ*, had the Name of *Fœderatæ Civitates*, enjoying their own Cuſtoms, and Forms of Government, without the leaſt Alteration, and only joined in Alliance with the *Romans*, upon ſuch Terms as had been agreed upon (*b*).

The *Provinces* were diſtant Countries of larger Extent, which, upon their Reduction under the *Roman* Power, were new modelled according to the Pleaſure of the Conquerors, and ſubjected to the Command of annual Governors ſent from *Rome*, who commonly levied ſuch Taxes and Contributions as the Senate thought fit to demand. But as the ſeveral Towns and Communities in every Country did not behave themſelves in the ſame Manner to the *Romans*; ſome profeſſing more Friendſhip, and a Deſire of Union and Friendſhip; while others were more obſtinate and refractory; therefore to reward thoſe People who deſerved well at their Hands, they indulged them with the Uſe of their own Conſtitutions in many Reſpects, and ſometimes excuſed them from paying Tribute; whence they were called *Immunes*, in Oppoſition to the *Vectigales*.

The Tribute exacted from the Provinces, was of two Sorts, either certain or uncertain. The certain Tribute, or *Stipendium*, was either a fixed Sum of Money to be collected by the Provincial *Quæſtor*, whom they called *Pecunia ordinaria*; or a Subſidy raiſed for particular Occaſions, ſuch as maintaining Soldiers, fitting out and paying a Number of Veſſels, and the like, termed *Pecunia extraordinaria*.

The uncertain Tribute conſiſted of what they called, *Portorium*, *Scriptura*, and *Decuma*. The *Portorium* was a Duty laid upon all Goods and Wares imported and exported.

The *Scriptura* was a Tax laid upon Paſtures and Cattle.

The *Decuma* was the Quantity of Corn which the Farmers were obliged to pay to the *Roman* State, commonly the tenth Part of their Crop. But beſides this, which was properly termed *Frumentum Decumanum*, and which was farmed by the Publicans, hence called *Decumani*, there was the *Frumentum emptum*, and the *Frumentum æſtimatum*, both taken up in the Provinces. The *Frumentum emptum* was

(*a*) *Vid. P. Manut. de Civ. Rom.* p. 30. (*b*) *Ibid.*

of two Sorts, either *decumanum*, or *imperatum*; the former was another Tenth, paid in Conſideration of ſuch a Sum as the Senate had determined ſhould be the Price of it, who rated it ſo much a Buſhel at their Pleaſure. The *Frumentum imperatum* was a Quantity of Corn equally exacted of the Provincial Farmers after the two Tenths, at ſuch a Price as the chief Magiſtrate pleaſed to give. *Frumentum æſtimatum*, was a Corn-Tax required by the chief Magiſtrate of the Province, for his private Uſe, and the Occaſions of his Family. This was commonly compounded for Money, and, on that Account, took its Name *ab æſtimando*, from rating it at ſuch a Sum.

Beſides all theſe *Sigonius* mentions *Frumentum honorarium*, upon the Authority of *Cicero*, in his Oration againſt *Piſo*: But perhaps *Cicero*, in that Place, does not reſtrain the *Honorarium* to Corn, but may mean, in general, the Preſent uſually made to Provincial Governors, ſoon after their Entrance on Office.

After *Auguſtus* had made a Diviſion of the Provinces between himſelf and the People, the annual Taxes, paid by the Provinces under the Emperor, were called *Stipendia*; and thoſe that were gathered in the People's Provinces *Tributa* (*a*).

(*a*) *Calvin.* Lexicon Jurid. in *Tributa.*

CHAP.

CHAP. XIX.

The Roman *Method of taking Towns; with the moſt remarkable Inventions and Engines made uſe of in their Sieges.*

BEfore we enquire into this Subject, a very memorable Cuſtom preſents itſelf to our Notice, which was practiſed almoſt as ſoon as the *Roman* Army inveſted any Town; and that was the *evocatio Deorum tutelarium*, or ſoliciting the Departure of the Guardian Deities: The Reaſon of which ſeems to have been, that they thought it impoſſible to force any Place, while under their Protection; or elſe, that they accounted it a moſt heinous Impiety, to act in an hoſtile Manner againſt the Perſons of the Gods. This Cuſtom is deſcribed at large by *Macrobius* in his *Saturnalia*, lib. 3. cap. 9.

The *Romans* were ſeldom deſirous of attempting any Town by Way of Siege, judging it would not anſwer the Expence and other Difficulties of that Manner; ſo that this was generally their laſt Reſource; and in all their great Wars, there are very few Examples of any long Sieges. The Means, by which they poſſeſſed themſelves of any important Place, were commonly either by Storm, or immediate Surrendry. If they took a Town by Storm, it was either by Aſſault, or Stratagem. In the former Caſe, they made their Attacks without battering the Wall, and were only ſaid *aggredi urbem cum corona, to ſurround a Town*; as they led their Army round its Walls, and attacked it on all Quarters at once. If this proved ineffectual, they battered the Walls with their Rams and other Engines. Sometimes, they mined and entered the Town under-ground: Sometimes, that they might engage the Enemy upon equal Terms, they built wooden Towers, or raiſed Mounts to the Height of the Walls, from whence they might command the Enemy within their Works. The Beſieged were in moſt Danger upon a general Aſſault; as their Walls were to be every where defended at once; and it often happened that there were not Men ſufficient to ſupply and relieve all the Poſts; and if the contrary was their Situation, yet all perhaps were not of equal Courage; and if any gave Way, the

the whole Town was in Danger of being loſt: So that the *Romans* oftentimes carried very conſiderable Places at one Effort. But if they battered the Walls with Engines, they were under ſome Diſadvantage, their Quarters being of Neceſſity to be extended, ſo that they muſt be thinner and weaker in ſome Places than in others, and unable to make a ſtout Oppoſition againſt any conſiderable Sally. Beſides, the beſieged were not at a Loſs to defeat their Stratagems; and eluded the Force of their Mines by countermining, or by diſturbing them in their Works; particularly by putting Oil and Feathers, *&c.* into Barrels of Wood; then ſetting them on Fire, they tumbled them among the *Romans*, that the Stench might force them to quit their Stations. Their Towers of Wood, their Rams and other Engines, they commonly ſet on Fire; the Mounts they uſed to undermine until they fell for Want of Foundation.

Upon this Account the *Romans* (as was before obſerved,) much preferred the Attack by Aſſault; and if not carried in a little Time, they frequently raiſed the Siege, and proſecuted the War by other Means. As *Scipio*, in his *African* Expedition, having aſſaulted *Utica* without Succeſs, changed his Reſolution, drew off his Men and endeavoured as much as poſſible to bring the *Carthaginian* Army to an Engagement. And therefore, though ſometimes they continued a tedious Siege, as at *Veii*, *Carthage*, and *Jeruſalem*, yet generally they were much more deſirous of drawing the Enemy to a Battle; for by defeating an Army, they frequently gained a Kingdom in a Day; whereas the Difficulties of a Siege, has ſometimes coſt them ſeveral Years.

See Machiavel's *Art of WAR*, Book II.

The Inventions and Engines, which the *Romans* made uſe of in their Sieges, were very numerous, the Knowledge of which is but of little Uſe at this Day: However, it is neceſſary we ſhould have ſome Acquaintance with the moſt conſiderable, as they are frequently mentioned by *Cæſar* and other Hiſtorians: Theſe are the *Turres mobiles*, the *Teſtudines*, the *Muſculus*, the *Vineæ*, and the *Plutei*; together with the *Aries*, the *Baliſta*, the *Catapulta*, and the *Scorpio*.

The

The *Turres mobiles*, or moveable Turrets, were of two Sorts, the leſſer and the greater: The leſſer Sort were about ſixty Cubits high, and the ſquare Sides ſeventeen Cubits broad; they had five or ſix, and ſometimes ten Stories or Diviſions, every Diviſion being made open on all Sides. The greater Turret was a hundred and twenty Cubits high, and twenty three Cubits ſquare; containing ſometimes fifteen, ſometimes twenty Diviſions. They were of very great Uſe in making Approaches, the Diviſions being able to carry Soldiers with Engines, Ladders, Caſting-bridges, and other Neceſſaries. The Wheels, on which they went, were contrived to be within the Planks, to defend them from the Enemy; and the Men who were to drive them forward, ſtood behind, where they were moſt ſecure; the Soldiers in the Inſide were protected by raw Hides, which were thrown over the Turret, in ſuch Places as were moſt expoſed.

The *Teſtudo* was properly a Figure which the Soldiers caſt themſelves into; ſo that their Targets ſhould cloſe all together above their Heads, and defend them from the miſſive Weapons of the Enemy; as if we ſuppoſe the firſt Rank to have ſtood upright on their Feet, and the reſt to have ſtooped lower and lower by Degrees, till the laſt Rank kneeled; ſo that every Rank covering with their Targets the Heads of all in the Rank before them, they repreſented a Tortoiſe-ſhell or a Sort of Pent-houſe. This was uſed as well in Field-battles as in Sieges. But beſides this, the *Romans* called in general all their covered defenſive Engines, *Teſtudines:* Among which, thoſe which moſt properly obtained the Name, ſeem to have been almoſt of an oval Figure, compoſed of Boards, and worked up at the Sides with Wickers; covering the Soldiers Approach to the Walls; they ſometimes run upon Wheels, which diſtinguiſhed them from the *Vineæ*, with which they are ſometimes confounded.

The *Muſculus* is ſuppoſed to have been much of the ſame Nature as the *Teſtudines*; but of a ſmaller Size, and compoſed of ſtronger Materials, being expoſed a much longer Time to the Force of the Enemy; for in theſe *Muſculi* the Pioneers were ſent to the very Walls, where they were to continue, while with their *Dolabræ*, or Pick-axes, and other Inſtruments, they endeavoured to undermine the Foundations. *Cæſar* has deſcribed the *Muſculus* at large in his ſecond Book of the Civil Wars.

The

The *Vineæ* were compoſed of Wicker Hurdles laid for a Roof on the Top of Poſts, which the Soldiers, who went under it for Shelter, bore up with their Hands. Some will have them to have been contrived with a double Roof; the firſt and lower Roof of Planks, and the upper Roof of Hurdles, to break the Force of any Blow without diſordering the Machine.

The *Plutei* conſiſted of the ſame Materials as the former, but were of a much different Figure, being ſhaped like an arched Sort of Waggon; and having three Wheels, ſo conveniently placed, that the Machine would move either Way with equal Eaſe. They were put much to the ſame Uſe as the *Muſculi*.

The Engines hitherto taken notice of were intended for the Defence of the Soldiers; the Offenſive are yet to be deſcribed. Of theſe the moſt celebrated, and which only deſerves a particular Deſcription, was the *Aries* or Ram: This was of two Sorts, the one Rude and Plain, the other Artificial and Compound. The former ſeems to have been no more than a great Beam which the Soldiers bore on their Arms and Shoulders, and with one End of it by main Force battered the Wall. The compound Ram is thus deſcribed by *Joſephus*: "The Ram (ſays he) is a very long Beam, like the "Maſt of a Ship, ſtrengthened at one End with a Head of "Iron, ſomething reſembling that of a Ram, whence it "took its Name. This is hung by the Midſt with Ropes "to another Beam, which lies croſs a couple of Poſts; "and hanging thus equally balanced, it is by a great Num-"ber of Men violently thruſt forward, and drawn back-"ward, and ſo ſhakes the Wall with its Iron Head. Nor "is there any Tower or Wall ſo thick or ſtrong, that, af-"ter the firſt Aſſault of the Ram, can afterwards reſiſt its "Force in the repeated Aſſaults *(a)*".

Plutarch informs us that *Mark Antony*, in the *Parthian* War, made uſe of a Ram fourſcore Feet long: And *Vitruvius* tells us, that they were ſometimes a hundred and ſix, ſometimes a hundred and twenty Feet in Length; and to this the Force and Strength of the Engine was in a great Meaſure owing. The Ram was managed at one Time by a whole Century or Order of Soldiers; and they, being ſpent, were relieved by another Century; ſo that it played without any Intermiſſion, being uſually covered with a *Vinea*, to protect it from the Attempts of the Enemy.

(*a*) *Flav. de Excidio* Hieroſolym. lib.

As

As for the leſſer Engines, which were uſed, and are not ſo particularly mentioned in Authors, a mechanical Deſcription of them would be no leſs tedious than uſeleſs. Only it may in ſhort be obſerved, that the *Baliſta* was always employed in throwing great Stones, the *Catapulta* in caſting the larger Sort of Darts and Spears, and the *Scorpio* in throwing the leſſer Darts and Arrows.

CHAP. XX.

The Naval Affairs of the ROMANS.

THE *Romans*, though their City was ſeated very conveniently for maritime Affairs, not being above fifteen Miles diſtant from the *Tyrrhenian* Sea; and having the River *Tyber* running through it, capable of receiving the ſmaller Veſſels; yet wholly neglected all naval Concerns for many Years after the Building of *Rome*. And ſome are willing to aſſign this as one of the main Cauſes which preſerved that State ſo long in its primitive Innocence and Integrity, free from all thoſe Corruptions which an Intercourſe with Foreigners might probably have introduced. However *Dionyſius* aſſures us, that *Ancus Martius* built *Oſtia* at the Mouth of the *Tyber* for a Port, that the City might by this Means be ſupplied with the Commodities of the neighbouring Nations (*a*). And it appears from the Reaſons of the *Tarentine* War agreed upon by all Hiſtorians, that ſhe *Romans* in that Age had a Fleet at Sea. Yet *Polybius* expreſly maintains, that the firſt Time they ever ventured to Sea was in the firſt *Punic* War (*b*); but he muſt either mean this only of Ships of War, or elſe contradict himſelf: For in another Part of his Works, giving us a Tranſcript of ſome Articles agreed on between the *Romans* and the *Carthaginians* in the Conſulſhip of *M. Brutus* and *Horatius*, ſoon after the Expulſion of the Royal Family; one of the Articles is, *that the* Romans, *and the Allies of the* Romans, *ſhall not navigate beyond the* Fair Promontory, *unleſs driven by the violence of the Weather, or Force of an Enemy*, &c. And after this in two other Treaties, which he has preſerved, there are ſeveral Clauſes to the ſame Purpoſe (*c*). But however theſe

(*a*) *Dionyſ. Halic.* lib. 3, (*b*) Lib. 1. (*c*) *Polyb.* lib. 3.

Matters

Matters may be adjuſted, we are aſſured, that about the Year of the City 492 (*a*), the *Romans* obſerving that the Coaſt of *Italy* lay expoſed to the Depredations of the *Carthaginian* Fleet, which often made Deſcents upon them, and conſidering withal that the War was likely to laſt, they determined to make themſelves a maritime Power. So wonderful was the Bravery and Reſolution of that People in Enterpriſes of the greateſt Hazard and Moment, that having hitherto ſcarce dreamed of Navigation, they ſhould, at once, reſolve on ſo arduous an Expedition, and make the firſt Proof of their Skill in a Naval Engagement with the *Carthaginians*, who had held the Dominion of the Sea unconteſtably derived to them from their Anceſtors. Nay, ſo utterly ignorant were the *Romans* in the Art of Ship-building, that it would have been almoſt impoſſible for them to have put their Deſign in Execution, had not Accident given them an unexpected Opportunity. For a *Carthaginian* Galley, which was on a Cruiſe, venturing too near the Shore chanced to be ſtranded and before ſhe could be got off, the *Romans* took her, and by the Model of this Galley, they built their firſt Fleet. Their Way of inſtructing their Seamen in the Uſe of the Oar is no leſs remarkable: They cauſed Banks to be contrived on the Shore in the ſame Order as they were to be in their Gallies, and placing their Men with their Oars upon the Banks, there exerciſed them: An Officer, for that Purpoſe, being ſeated in the Midſt, who by Signs with his Hand inſtructed them to dip their Oars all together, and in like Manner to recover them out of the Water: And by this Means they became acquainted with their Management. But in a little Time finding their Veſſels were not built with extraordinary Art, and conſequently proved ſomewhat unweildy in working, it came into their Heads to recompenſe this Defect, by contriving ſome new Invention, which might be of Uſe to them when engaged. And then it was that they deſigned the famous Machine called the *Corvus*; which was framed after this Manner: They erected on the Prow of their Veſſels a round Piece of Timber, of about a Foot and a half Diameter, and about twelve Feet long; on the Top whereof, they had a Block or Pulley. Round this Piece of Timber, they laid a Stage or Platform of Boards, four Feet broad, and about eighteen long, which was well framed, and ſecured with Iron. The En-

(*a*) *Caſaubon.* Chronolog. ad *Polyb.*

trance

trance was long-ways, and it moved about the aforeſaid upright Piece of Timber, as on a Spindle, and could be hoiſted up within ſix Feet of the Top: About this was a Sort of a Parapet, Knee high, which was defended with upright Bars of Iron, ſharpened at the End; towards the Top there was a Ring, in which a Rope was faſtened, this by the Help of a Pulley, they hoiſted or lowered at Pleaſure; and ſo boarded the Enemy's Veſſels, ſometimes on their Bow, and ſometimes on their broad Side, as Circumſtances required. When they had grappled the Enemy with thoſe Iron Spikes, if they happened to ſwing Broad-ſide to Broad-ſide, then they entered from all Parts; but in Caſe they attacked them on the Bow, they entered two and two by the Help of this Machine, the foremoſt defending the fore-part, and thoſe that followed the Flanks, keeping the Boſs of their Bucklers level with the Top of the Parapet.

To this Purpoſe *Polybius* (according to the late moſt excellent Verſion,) gives us an Account of the firſt warlike Preparations which the *Romans* made by Sea. We may add, in ſhort, the Order, which they obſerved in drawing up their Fleet for Battle, taken from the ſame Author. The two Conſuls were in the two Admiral Galleys, in the Front of their two diſtinct Squadrons, each of them juſt a-head of their own Diviſion, and a-breaſt of each other; the firſt Fleet being poſted on the Right, the ſecond on the Left, making two long Files or Lines of Battle. And, whereas it was neceſſary to give a due Space between each Galley, to ply their Oars, and keep clear one of another, and to have their Heads or Prows looking ſomewhat outwards; this Manner of drawing up did therefore naturally form an Angle, the Point whereof was at the two Admiral Gallies, which were near together; and as their two Lines were prolonged, ſo the Diſtance grew conſequently wider towards the Rear. But as the Naval as well as the Land Army conſiſted of four Legions, and accordingly the Ships made four Diviſions; two of theſe were yet behind. Of which the third Legion, formed a Line in the Rear of the firſt and ſecond, and ſo extending from Point to Point compoſed a Triangle, whereof the third Line was the Baſe. Their Veſſels of Burden, that carried their Horſes and Baggage, were in the Rear of theſe; and were, by the Help of ſmall Boats provided for that Purpoſe, towed or drawn after them. In the Rear of all was the fourth Fleet, called the *Triarians*, drawn up likewiſe in a Line, parallel to the third: But theſe were

were more extended, by which Means the Extremities extended beyond the two Angles at the Baſe. The ſeveral Diviſions of the Fleet, being thus diſpoſed, formed, as it is ſaid, a Triangle; the Area within was an empty Space, but the Baſe was thick and ſolid, and the whole Body quick, active, and very difficult to be broken.

Of the variety of Veſſels they uſed we moſt commonly meet with three Kinds; Ships of War, Ships of Burden, and Ships of Paſſage: The firſt for the moſt Part rowed with Oars; the ſecond uſed Sails; and the laſt often were towed. Ships of Paſſage were either for the Tranſportation of Men, ſuch as the ὁπλιταγωγοὶ or στρατιώτιδες; or of Horſes, as the *Hippagines*. The Ships of Burden, which the *Roman* Authors call *Naves onerariæ*, and the *Grecian* φορτικοὶ, and ὁλκάδες, (whence the Name of our *Hulks* may probably be derived), ſerved for the Conveyance of Proviſions, and ſometimes for the Uſe of the Soldiers, as we find in *Cæſar*. Of the Ships of War, the moſt conſiderable were the *Naves longæ*, or Gallies, ſo named from their Form, which was the moſt convenient to tack about, or to cut their Way; whereas the Ships of Burden were generally built rounder and more ſwelling Sides, that they might be the more readily loaded, and carry the greater Burthen. The moſt remarkable of the *Naves longæ* were the *Triremis*, the *Quadriremis*, and the *Quinqueremis*. τριήρης, τετρήρης, and πεντήρης; exceeding one another by one Bank of Oars; theſe Banks were raiſed one above another; and conſequently thoſe which had the greater Number of Banks were built the higheſt, and rowed with the greateſt Strength. Some indeed conceive a different Original of theſe Names; as that in the *Triremes*, for Example, were either three Banks one after the other on a Level, or that three Rowers ſat upon one Bank; or elſe that three Men pulled all together at one Oar: But this is contrary, not only to the Authority of the Claſſics, but to the Figures of the *Triremes* ſtill appearing in antient Monuments. Beſides theſe, there were two other Rates, one higher, and the other lower. The higher Rates we meet with are the *Hexeres*, the *Hepteres*, the *Octeres*, and ſo on to the πενταικαιδεκήρης; nay, *Polybius* relates, that *Philip* of *Macedon*, Father to *Perſeus*, had an ἑπταικαιδεκήρης (*a*); which *Livy* ſtates, *navis quam ſexdecim verſus remorum agebant* (*b*), a Ship with ſixteen Banks: Yet this was much inferior to the Ship built by *Ptolemy Philopator*, which *Plutarch* tells us had forty Banks (*c*). The lower Rates were the *Biremis* and the *Mo-*

(*a*) *Polyb.* in Fragment. (*b*) Lib. 53. (*c*) *In Demetrio.*

neres.

neres. The *Bireme* in *Greek* διήρης, or δικρότος, consisted of two Banks of Oars: Of these, the fittest for Service, by Reason of their Lightness and Swiftness were called *Liburnicæ*, from the *Liburni*, a People in *Dalmatia*, who first invented them; for being *Corsairs*, they rowed up and down in these light Vessels, and maintained themselves by the Prizes they took (*a*). Yet in later Times, all the smaller and swift going Vessels, whether they had more or less than two Banks, were called in general *Liburnæ*, or *Liburnicæ*. Thus *Horace* and *Propertius* call the Ships which *Augustus* made Use of in the naval Engagement at *Actium:* And *Florus* informs us, that his Fleet was made up of Vessels from three to six Banks (*b*). *Suetonius* mentions an extravagant Sort of *Liburnicæ* invented by the Emperor *Caligula*, adorned with Jewels in the Poop, with Sails of many Colours, and furnished with large Portico's, Bagnio's, and Dining-rooms; besides curious Rows of Vines and Fruit Trees of all Sorts (*c*).

The *Moneres*, mentioned by *Livy*, was a Galley, having but one single Bank of Oars, of which we find five different Sorts taken notice of by Authors; the εικόδος or *Actuaria*, the τριακόντορος, the τεσσαρακόντορος, the πεντηκόντορος and the ἑκατόντορος; of twenty, thirty, forty, fifty, and an hundred Oars.

It may be observed, that though these under Rates are supposed to have been built in the Form of the *Naves longæ*, yet they are not so generally honoured with that Name; and sometimes in Authors of Credit we find them directly opposed to the *Naves longæ*, and at other Times to the μάχιμοι, or Ships of War.

But the Ships of War occur under several different Denominations; as the *Tectæ*, *Constratæ*, and *Apertæ*. The *Tectæ*, or κατάφρακτοι, were so called, because they had καταστρώματα or Hatches; whereas the *Apertæ* or ἄφρακτοι had none. The greater Ships, as the *Quadriremes* and upwards, seem always to have had Hatches; the *Triremes* and *Biremes* are sometimes described otherwise; and all below these were *Apertæ*. *Cicero* and other Authors sometimes use the Word *Aphractum* for a particular Sort of Ship; and *Polybius* καλάφρακτος, for a *Quingereme*. Besides these, we meet with the *Naves rostratæ* and *Naves turritæ:* The first were such as had Beaks or *Rostra*, necessary to all Ships which were to engage in a Battle. The others were such as had Turrets erected on their Decks, from whence the Soldiers fought with all Manner of Weapons and Engines, as if it

(*a*) *Dacier* on *Horace*, Epod. 1. (*b*) Lib. 4. cap. 11. (*c*) *Sueton.* in *Calig.* cap. 37.

had been on Land, and ſo engaged with the greateſt Fury imaginable, as *Virgil* deſcribes the Fight at *Actium*.

——*Pelago credas innare revulſas*
Cycladas, aut montes concurrere montibus altos:
Tanta mole viri turritis puppibus inſtant. Æn. viii. 691.

The Officers in the Navy were, *Præfectus Claſſis*, or Admiral, and ſometimes the *Duumviri*, when two were joined in Commiſſion, the *Trierarchus*, or Captain of a particular Ship, moſt properly of the *Trireme*; the *Gubernator*, or Maſter; the *Celeuſtes*, or Boatſwain, and others of inferior Note.

Under the Emperors, Legions were eſtabliſhed in moſt Parts of the *Roman* Dominions, who had conſtantly Fleets in thoſe Seas, which lay convenient for the Defence of the neighbouring Countries. As *Auguſtus* kept one Navy at *Miſenum* in the *Mare Inferum*, to protect and keep in Obedience *France*, *Spain*, *Mauritania*, *Ægypt*, *Sardinia*, and *Sicily*: Another at *Ravenna* in the *Mare Superum*, to defend *Epirus*, *Macedon*, *Achaia*, *Crete*, *Cyprus*, with all *Aſia*. Nor were their Navies only maintained on the Seas, but ſeveral too on the principal Rivers; as the *Germanica Claſſis* on the *Rhine*, the *Danubiana*, the *Euphratenſis*, &c. to be met with in *Tacitus*, and other Hiſtorians.

[*See Sir* Henry Savil's *Diſſertation at the End of his Tranſlation of* Tacitus.]

To this Subject of the *Roman* Shipping, we may add a very remarkable Cuſtom of ſuch as had eſcaped a Wreck at Sea, which we find hinted at in almoſt every Place of the Poets, and often alluded to by other Authors; on which the great modern Critic delivers himſelf to this Purpoſe.

It was a Cuſtom for thoſe who had been ſaved from a Shipwreck, to have all the Circumſtances of that Adventure repreſented on a Tablet. Some Perſons made Uſe of this Tablet to move the Compaſſion of thoſe they met, as they travelled up and down; and by their Charity to repair their Fortunes which had ſuffered ſo much at Sea. Theſe *Juvenal* deſcribes, *Sat.* xiv. 301.

——*Merſa rate Naufragus aſſem*
Dum rogat, & picta ſe tempeſtate tuetur.

His

His veſſel ſunk, the Wretch at ſome Lane's End
A painted Storm for Farthings does extend,
And lives upon the Picture of his Loſs.

For this Purpoſe they hung the Tablet about their Necks, ſung a Sort of Verſes, expreſſing the Manner of their Misfortunes; almoſt like the modern Pilgrims, *Perſius*, Sat. i. 88.

——— *Cantet ſi Naufragus, aſſem*
Prôtulerim? Cantas cum fracta te in trabe pictum
Ex humero portes?

Say, ſhould a ſhipwreck'd Sailor ſing his Woe,
Wou'd I be mov'd to Pity; or beſtow
An Alms? Is this your Seaſon for a Song,
When your deſpairing Phiz you bear along
Daub'd on a Plank, and o'er your Shoulders hung?

Others hung up their Tablet in the Temple of the particular Deity, to whom they had addreſſed themſelves in their Exigence, and whoſe Aſſiſtance had, as they thought, effected their Safety. This they termed properly *votiva Tabella*. *Juvenal* endeavours to ridicule the *Roman* Superſtition in this Point, when he informs us, that it was the Buſineſs of a whole Company of Painters to draw Pictures on theſe Accounts for the Temple of *Iſis*.

—*Quam votiva teſtantur fana tabella*
Plurima, pictores quis neſcit ab Iſide paſci? xii. 27.

Such as in *Iſis'* Dome may be ſurvey'd,
On Votive Tablets to the Life pourtray'd,
Where Painters are employed and earn their Bread.

But the Cuſtom went much farther; for the Lawyers at the Bar uſed to have the Caſe of the Client expreſſed in a Picture, that by ſhewing his hard Fortune, and the Cruelty and Injuſtice of the adverſe Party, they might move the

Compaſſion of the Judge. This *Quintilian* declares againſt in his ſixth Book. Nor was this all; for ſuch Perſons as had recovered from any Fit of Sickneſs, uſed to dedicate a Picture to the Deity who they had ſuppoſed relieved them. And this gives Light to a Verſe of *Tibullus*, *Lib.* 1. Eleg. 3.

Nunc Dea, nunc ſuccurre mihi; nam poſſe mederi
Picta docet Templis multa tabella tuis.

Now Goddeſs, now thy tortur'd Suppliant heal;
For Votive Paints atteſt thy ſacred Skill.

Thus ſome Chriſtians in antient Time (*a*), upon any ſignal Recovery of their Health, uſed to offer a Sort of Medal in Gold or Silver, on which they were repreſented, in Honour of the Saint whom they thought themſelves obliged to for their Deliverance. And this Cuſtom ſtill prevails in Popiſh Countries (*b*).

(*a*) *Caſaubon.* in *Perſium.* Sat. 1. v. 88. (*b*) *Dacier* on *Horace.* lib. 1. Od. 5.

PART

PART II. BOOK V.

Miſcellany Cuſtoms of the ROMANS.

CHAP. I.

Of the Private SPORTS *and* GAMES.

A Great Part of the *Roman* Pomp and Superſtition was employed in their Games and Shows, ſo that many of their Cuſtoms have a Dependance on theſe Solemnities. As to their private Sports and Diverſions, it may be alſo neceſſary to take Notice of them, as many Paſſages and Alluſions mentioned in Hiſtory as well as by the Poets would otherwiſe be very difficult to underſtand.

The private Games, moſt worth our Attention, are the *Latrunculi*, the *Tali* and *Teſſeræ*, the *Pila*, the *Par Impar*, and the *Trochus*.

The Game at *Latrunculi* ſeems to have been much the ſame as our Cheſs: The Original of it is generally referred to *Palamede*'s Invention at the Siege of *Troy*; though *Seneca* attributes it to *Chilon*, one of the ſeven *Grecian* Sages; and ſome ſuppoſe that *Pyrrhus* King of *Epirus* contrived this Sport, to inſtruct his Soldiers, after an entertaining

Manner, in the military Art. However, it is certain, it is ſo happily expreſſive of the Chance and Order of War, that no Place can lay ſo juſt a Claim to the Invention as the Camp. Thus the ingenious *Vida* begins his Poem on this Subject.

Ludimus effigiem belli, ſimulataque veris
Prœlia, buxo acies fictas, & ludicra regna:
Ut gemini inter ſe reges, albuſque, nigerque,
Pro laude oppoſiti, certant bicoloribus armis.

War's harmleſs Shape we ſing, and Boxen Trains
Of Youth, encount'ring on the *Cedar* Plains:
How two tall Kings, by different Armour known,
Traverſe the Field, and combat for Renown.

The Cheſs-men, which the *Romans* uſed, were generally of Wax or Glaſs; their common Name was *Calculi*, or *Latrunculi:* The Poets ſometime term them *Latrones*, whence *Latrunculus* was at firſt derived: For *Latro* among the Antients ſignified at firſt a Servant, (as the Word *Knave* in *Engliſh*,) and afterwards a Robber.

Seneca has mentioned this Play oftner, perhaps, than any other *Roman* Author; particularly in one Place, he has a very remarkable Story, in which he deſigns to give us an Example of wonderful Reſolution and Contempt of Death; though ſome will be more apt to interpret it as an Inſtance of Inſenſibility. The Story is this: *Canius Julius* (whom he extols very much on other Accounts) had been ſentenced to Death by *Caligula*; the Centurion coming by with a Number of Malefactors, and ordering him to bear them Company to Execution, happened to find him engaged at this Game. *Canius*, upon his firſt Summons, preſently fell to counting his Men; and bidding his Antagoniſt be ſure not to boaſt of the Victory after his Death, he only deſired the Centurion to bear witneſs, that he had one Man upon the Board more than his Companion; and very readily joined the poor Wretches that were going to ſuffer (*a*).

But the moſt accurate Account of the *Latrunculi*, given us by the Antients, is to be met with in the Poem to *Piſo*; which ſome will have to be *Ovid*'s, others *Lucan*'s, and many the Work of an unknown Author.

(*a*) *Seneca de* Tranquil. Animi, *cap.* 14.

The

The *Tali* and the *Tesseræ*, on Account of the Number of Passages in Authors equally applicable to both, have oftentimes been confounded, and by some distinguished from the *Lusus aleæ*, or Dice. Whereas, properly speaking, the *Greeks* and *Romans* had two Sorts of Games at Dice; the *Ludus talorum*, or Play at Cock-all; and the *Ludus tesserarum*, or what we call Dice. They played at the first with four *Tali*, and at the other with three *Tesseræ*. The *Tali* had but four Sides, marked with four opposite Numbers; one Side with a *Tres*, and the opposite with a *Quatre*; one with an *Ace*, and the contrary with a *Sice*. The Dice had six Faces, four marked with the same Numbers as the *Tali*, and the two others with a *Deux* and a *Cinque*, always one against the other; so that in both Plays the upper Number and the lower either on the *Talus* or *Tessera*, constantly made seven.

There were many severe Laws in Force, forbidding the Use of these Games, except during the *Saturnalia*; though they commonly gamed at other Times, notwithstanding these Prohibitions. But there was one Use made of them at Feasts and Entertainments, which perhaps did not come within the Cognizance of the Laws; and that was to determine by Dice, who should have the Power of prescribing Rules at a Drinking Bout; who in *Horace* is called *Arbiter bibendi*.

They threw both the *Tali* and the *Tesseræ* out of a long Box, for which they had several Names, as *Fritillum*, *Pyrgus*, *Turricula*, *Orca*, &c.

There are many odd Terms interspersed through History, by which they signified their fortunate and unfortunate Casts; we shall take Notice of the best and the worst. The best Cast with the *Tali* was, when there came up four different Numbers, as *Tres*, *Quatre*, *Sice*, *Ace*: The best with the Dice was three *Sices*: The common Term for both was *Venus* or *Basilicus*; the lowest Cast in both having the Name of *Canis*. *Persius* opposes the *Senio*, and the *Canicula*, as the best and worst Chances.

——*Quid dexter senio ferret,*
Scire erat in votis; damnosa canicula quantum
Raderet, angustæ collo non fallier Orcæ. Sat. iii. 48.

But then my Study was to cog the Dice,
And dexterously to throw the lucky Sice;

To ſhun *Ames-Ace* that ſwept my Stakes away;
And watch the Box, for Fear they ſhould convey
Falſe Bones, and put upon me in the Play.

DRYDEN.

It was judged by the moſt ſenſible among the *Romans*, that this ſedentary Diverſion was only ſuited to Men advanced in Life, who could not ſo well employ themſelves in any active Recreation. "Let them (*ſays old* Cato *in* Tully) have "their Armour, their Horſes, and their Spears; let them "take their Club and their Javelin; let them have their "ſwimming Matches and their Races, ſo they do but leave "us, among the numerous Sports, the *Tali* and the *Teſſeræ*." But the general Corruption of Manners made the Caſe quite otherwiſe: *Juvenal* xiv. 4.

Si damnoſa ſenem juvat alea, ludit & hæres
Bullatus, parvoque eadem movet arma fritillo.

If Gaming does an aged Sire entice,
Then my young Maſter ſwiftly learns the Vice,
And ſhakes, in Hanging-ſleeves, the little Box and Dice.

DRYDEN.

It could not be expected, that this Game ſhould be reſtrained in any moderate Degree in the City, when the Emperors were often profeſſed Admirers of it. *Auguſtus* himſelf was ſo paſſionately fond of it that he had no Regard to Seaſon (*a*). But the great Maſter of this Art was the Emperor *Claudius*, who by his conſtant Practice (even as he rode about in his Chariot,) gained ſuch Experience, as to compoſe a Book on the Subject. Hence *Seneca*, in his ſarcaſtical Relation of that Emperor's *Apotheoſis*, when, after a great many Adventures he has at laſt brought him to Hell, makes the Infernal Judges condemn him (as the moſt proper Puniſhment in the World) to play continually at Dice with a Box that had the Bottom out; which kept him always in Hopes, and yet always baulked his Expectations.

Nam quoties miſſurus erat reſonante fritillo,
Utraque ſubducto fugiebat teſſera fundo;
Cumque recollectos auderet mittere talos,
Luſuro ſimilis ſemper, ſemperque petenti,

(*a*) *Sueton. Aug.* cap. 71.

Decepene

Decepere ſidem: refugit, digitoſque per ipſos
Fallax aſſiduo dilabitur alea furto.
Sic cum jam ſummi tanguntur culmina montis,
Irrita Siſyphio volvuntur pondera collo.

For whenſoe'er he ſhook the Box to caſt,
The rattling Dice delude his eager Haſte:
And if he try'd again, the waggiſh Bone
Inſenſibly was through his Fingers gone;
Still he was throwing, yet he ne'er had thrown.
So weary *Siſyphus*, when now he ſees
The welcome Top, and feeds his joyful Eyes,
Straight the rude Stone, as cruel Fate commands,
Falls ſadly down, and meets his reſtleſs Hands.

The antients had four Sorts of *Pilæ* or Balls uſed for Exerciſe and Diverſion. The *Follis* or Balloon, which they ſtruck about with their Arm, guarded for that Purpoſe with a wooden Bracer: Or if the Balloon was little, they uſed only their Fiſts. The *Pila Trigonalis*, the ſame as our common Balls. To play with this, there uſed to ſtand three Perſons in a Triangle, ſtriking it round from one to another: He who firſt let it come to the Ground, was the loſer (*a*). *Paganica*, a Ball ſtuffed with Feathers, which *Martial* thus deſcribes: xiv. 45.

Hæc quæ difficili turget Paganica pluma,
Folle minus laxa eſt, & minus arcta pila.

The laſt Sort was the *Harpaſtum*, a harder Kind of Ball, which they played with, dividing into two Companies, and ſtriving to throw it into one another's Goals, which was the conquering Caſt.

Of the Game at *Par Impar*, or Even and Odd, it is not neceſſary to ſay more than that it was only proper for the Children: But, however, it is mentioned by *Suetonius*, as it was ſometimes to be uſed at Feaſts and Entertainments, in the ſame Manner as Dice and Cheſs (*b*).

The *Trochus* has been often thought the ſame as the *Turbo*, or Top; or like our Billiards: But, however, this

(*a*) See *Dacier* on *Horace*, Book 2. Sat. 2. (*b*) See *Sueton.* in *Aug. cap.* 71.

has

has been ſince contradicted, and the *Trochus* to be more properly a Hoop of Iron, five or ſix Feet Diameter, ſet all over in the Inſide with Iron Rings. The Boys and young Men uſed to whirl this along, as our Children do wooden Hoops, directing it with a Rod of Iron having a wooden Handle; which Rod the *Grecians* called ἐλατὴς, and the *Romans Radius*. It required great Dexterity to direct the Hoop. In the mean time, the Rings, by the Noiſe they made, not only gave the People Notice to keep out of the Way, but contributed very much to the Boys Diverſion (*a*). We muſt obſerve not to rank this in the Claſs of the childiſh Games, ſince we find *Horace* (*b*) has placed it with the manly Sports.

Ludere qui neſcit, campeſtribus abſtinet armis,
Indoctuſque pilæ, diſcive, trochive quieſcit.

(*a*) See *Dacier* on *Horace*, Book 3. Od. 24. (*b*) De Art. Poet.

CHAP. II.

Of the Circenſian *Shows, and firſt of the* Pentathlum, *the Chariot Races, the* Ludus Trojæ, *and the* Pyrrhica Saltatio.

IT would be difficult to find a Diviſion which would take in all the public Sports and Shows; but the moſt accurate ſeems to be that, which ranks them under two Heads, *Ludi Circenſes*, and *Ludi Scenici*: But as this Diviſion is only made in Reſpect of the Form and Manner of the Solemnities, and of the Place of Action, it is neceſſary to expreſs the End and Deſign of their Inſtitution; and this may be, *Ludi Sacri, Votivi*, and *Funebres*.

The *Circenſian* Games take in the Repreſentations of the Sea fights, as performed in the Amphitheatres: For the former were uſually exhibited in the *Circo*'s fitted for that Purpoſe; and when we meet with the *Naumachiæ*, as Places diſtinct from the *Circo*'s, we ſuppoſe the Structure to have been of the ſame Nature. And, as to the Amphitheatres, they

they were erected for the more convenient Celebration of ſome particular Shows, which uſed before to be preſented in the *Circo*'s. Here alſo may be taken in the *Pentathlum*, the Chariot-races, the *Ludus Trojæ*, the Shows of wild Beaſts, the Combats of the Gladiators, and the *Naumachiæ*.

The *Pentathlum*, or *Quinquertium*, as moſt of their other Sports, was borrowed from the *Grecian* Games: The five Exerciſes, of which it was compoſed, were Running, Wreſtling, Leaping, Throwing, and Boxing. The two laſt have ſomething ſo particular, that they are worth our Notice; the firſt were ſometimes performed with the *Diſcus*, and the other with the *Ceſtus*. The *Diſcus*, or Quoit was made of Stone, Iron, or Copper, five or ſix Fingers broad, and more than a Foot long, inclining to an Oval Figure which they caſt to a vaſt Diſtance, by the Help of a leathern Thong tied round the Perſon's Hand who threw them. Several learned Men have ſuppoſed, that, inſtead of the Thong juſt mentioned, they made uſe of a Twiſt or Brede of Hair; but, it is poſſible they might have been led into that Miſtake, by the following Paſſage of *Claudian:*

Quis melius vibrata puer vertigine molli
Membra rotet? vertat quis marmora crine ſupino?

What Youth cou'd wind his Limbs with happier Care?
Or fling the Marble-quoit with toſs'd back Hair?

Where the Poet by *crine ſupino* can mean only to expreſs the extreme Motion of the Perſon throwing; it being very natural on that Account to caſt back his Head, and ſo make the Hair fly out behind him (*a*).

Homer has made *Ajax* and *Ulyſſes* both great Artiſts at this Sport: And *Ovid*, when he brings in *Apollo* and *Hyacinth* playing at it, gives an elegant Deſcription of the Exerciſe;

Corpora veſte levant, & ſucco pinguis olivæ
Splendeſcunt, latique ineunt certamina diſci;
Quem prius aerias libratum Phœbus in auras
Miſit, & oppoſitas disjecit pondere nubes.
Decidit in ſolidam longo poſt tempore terram
Pondus, & exhibuit junctam cum viribus artem (*b*.)

(*a*) See *Dacier* on *Horace*, Book 1. Od. 8. (*b*) Metamorphoſ. 10.

They

They ſtrip, and waſh their naked Limbs with Oil,
To whirl the Quoit, and urge the ſportive Toil.
And firſt the God his well-pois'd Marble flung,
Cut the weak Air, and bore the Clouds along:
Sounding, at laſt, the maſſy Circle fell,
And ſhew'd his Strength a Rival to his Skill.

Scaliger, who attributes the Invention of the *Pentathlum* to the Ruſtics, is of Opinion, that the throwing the *Diſcus* was but an Improvement of their old Sport, of caſting their Sheep-hooks: This Conjecture ſeems to have been taken from a Paſſage of *Homer*; Il. ϕ. 845.

Ὅσσον τίς τ' ἔρριψε καλαύροπα βουκόλος ἀνὴρ
Ἣ δέ θ' ἑλισσομένη πέτεται διὰ βῶς ἀγελαίας,
Τόσσον παντὸς ἀγῶνος ὑπέρβαλε.

As when ſome ſturdy Hind his Sheep-hook throws,
Which, whirling, lights among the diſtant Cows;
So far the Hero caſt o'er all the Marks.

And indeed, the Judgment of the ſame Critic, that theſe Exerciſes owe their Original to the Life which Shepherds led, is no other than what their admired *Virgil* has introduced in the ſecond *Georgic*. 527.

Ipſe dies agitat Feſtos; fuſuſque per herbam
Ignis ubi in medio, & Socii cratera coronant,
Te libans Lenæe vocat, pecoriſque magiſtris
Velocis jaculi certamina ponit in ulmo;
Corporaque agreſti nudat prædura palæſtra.

When any Rural Holy-days invite
His Genius forth to innocent Delight;
On Earth's fair Bed, beneath ſome ſacred Shade,
Amidſt his equal Friends careleſly laid,
He ſings thee *Bacchus*, Patron of the Vine.
The Beechen Bowl foams with a Flood of Wine,
Not to the Loſs of Reaſon, or of Strength.
To active Games, and manly Sports at length,

Their

Their Mirth aſcends; and with full Veins they ſee
Who can the beſt at better Trials be.

COWLEY.

The *Ceſtus* were either a Sort of leathern Guards for the Hands, compoſed of Thongs, and commonly filled with Lead or Iron to add Force and Weight to the Blow: Or, according to others, a Kind of Whirl-bats or Bludgeons of Wood, with Lead at one End: though *Scaliger* cenſures the laſt Opinion as ridiculous; and therefore he derives the Word from ἱμὰς, a Girdle or Belt (*a*). This Exerciſe is moſt admirably deſcribed by *Virgil*, in the Combat of *Dares* and *Entellus*: *Æneid.* 5. The famous Artiſt, at the *Ceſtus*, was *Eryx* of *Sicily*, conquered at laſt at his own Weapons by *Hercules*. *Pollux* was very dexterous at this Exerciſe, as was his Brother *Caſtor* at Encounters on Horſe-back. The Fight of *Pollux* and *Amycus*, with the *Ceſtus*, is excellently related by *Theocritus*, *Idyllium* 30.

The *CHARIOT-RACES* are as frequently mentioned as the *Circenſian* Sports. The moſt remarkable Circumſtance belonging to them, was the Factions or Companies of the Charioteers; in which the Town was divided, ſome favouring one Company, and ſome another. The four antient Companies were the *Praſina*, the *Ruſſata*, the *Alba* or *Albata*, and the *Veneta*; the Green, the Red, the White, and the Sky-coloured, or Sea-green. This Diſtinction was taken from the Colour of their Liveries, and is thought to have had ſome Alluſion to the four Seaſons of the Year; the firſt reſembling the Spring, when all Things are Green; the next, the fiery Colour of the Sun in the Summer; the third, the Hoar of Autumn; and the laſt, the Clouds of Winter: Or, elſe the fourth may be applied to Autumn, and the third to Winter. The *Praſina* and the *Veneta* are not ſo eaſily accounted for as the other two; the former is derived from πράσον, a *Leek*, and the other from *Veneti*, or the *Venetians*, a People that particularly liked that Colour. The Colour that moſt prevailed was the Green, eſpecially under *Caligula*, *Nero*, and the following Emperors; and in the Time of *Juvenal*, as mentioned in his eleventh Satyr: Where, he elegantly cenſures the ſtrange Pleaſure which the *Romans* took in theſe Sights. 193.

———*Mihi pace*
Immenſæ nimiæque licet ſi dicere plebis,

(*a*) *De Re Poetica*, lib. 1. cap. 21.

Totam

Totam hodie Romam circus capit, & fragor aurem
Percutit, eventum viridis quo colligo panni:
Nam ſi deficeret, mœſtam attonitamque videres
Hanc Urbem, veluti Cannarum in pulvere victis
Conſulibus.

This Day all *Rome*, (if I may be allow'd,
Without Offence to ſuch a numerous Crowd,
To ſay all *Rome*), will in the *Circus* ſweat:
Ecchoes already to their Shouts repeat.
Methinks I hear the Cry——"Away, away,
"The Green have won the Honour of the Day."
Oh! ſhould theſe Sports be but one Year forborn,
Rome would in Tears her lov'd Diverſion mourn;
And that wou'd now a Cauſe of Sorrow yield,
Great, as the Loſs of *Cannæ*'s fatal Field.

CONGREVE.

The Emperor *Domitian*, as *Suetonius* informs us, added two new Companies to the former, the *Golden*, and the *Purple* (*a*). *Xiphilin* calls them the *Golden* and the *Silver*; but this ſeems to be a Miſtake, becauſe the Silver Liveries could not have been diſtinguiſhed from the White. But theſe new Companies were ſoon after laid down again by the following Emperors (*b*).

Thoſe moſt frequently mentioned are the *Bigæ*, and the *Quadrigæ*: But they ſometimes had their *Sejuges*, *Septemjuges*, &c. And *Suetonius* aſſures us, that *Nero*, when he was a Performer in the *Olympic* Games, made uſe of a *Decemjugis*, a Chariot drawn with ten Horſes coupled together (*c*). The ſame Emperor ſometimes brought Pairs of Camels to run the *Circo*, inſtead of Horſes (*d*). And *Heliogabalus* obliged Elephants to the ſame Service (*e*).

The Races commonly ended at making the ſeventh Turn of the *Metæ*; though upon extraordinary Occaſions they ſometimes did it in a leſs Number of Heats. In like Manner the uſual Number of *Miſſus*, or Matches, were twenty-four; though ſometimes a far greater Number was exhibited. For *Suetonius* tells us, that the Emperor *Domitian* preſented an hundred Matches in one Day (*f*). *De la Cerda* would inſinuate that it is impoſſible that this Number

(*a*) *Domitian.* cap. 7. (*b*) *Lipſ.* Com. in locum. (*c*) *Suet. Nar.* cap. 24. (*d*) Idem cap. 12. (*e*) *Lamprid.* in *Heliogab.* (*f*) *Domit.* cap. 4.

could

could have a Reference to the Matches, but to the Chariots, ſo as to make no more than twenty-five *Miſſus*'s: But his Opinion is not taken Notice of by the Learned, who have commented on *Suetonius*. *Servius* (*a*) on that Verſe of *Virgil*, Georg. iii. 18.

Centum quadrijugos agitabo ad flumina currus,

takes Occaſion to inform us, that in Times of old there were always twenty-five Matches of Chariots, four in every Match, ſo as to make an hundred in all. The laſt *Miſſus* was ſet out at the Charge of the People, who made a Gathering for that Purpoſe; and was therefore called *Ærarius*: But when this Cuſtom of a Supernumerary *Miſſus* was laid aſide, the Matches were no more in Number than twenty-four; yet the laſt four Chariots ſtill kept the Name of *Miſſus ærarius*.

The Time, when the Races ſhould begin, was formerly made known by Sound of Trumpet. But afterwards the common Sign was the *Mappa*, or Napkin hung out at the *Prætor*'s, or the chief Magiſtrate's Seat. Hence *Juvenal* calls the *Megalenſian* Games,

——*Megaleſiacæ ſpectacula mappæ.* Sat. xi. 191.

The common Reaſon given for this Cuſtom is, that *Nero*, being once at Dinner, and the People making a great Noiſe, deſiring that the Sports might begin, the Emperor threw the Napkin he had in his Hand out of the Window, as a Token that he had granted their Requeſt (*b*).

The Victors in theſe Sports were honoured with Garlands, Coronets, and other Ornaments, after the *Grecian* Manner; and, very often, with conſiderable Rewards in Money: Inſomuch that *Juvenal* makes one expert Charioteer able to purchaſe an hundred Lawyers,

——*Hinc centum patrimonia cauſidicorum,*
Parte alia ſolùm ruſſati pone Lacertæ. Sat. vii. 113.

It has been already mentioned, that they counted the Race to end at paſſing the *Meta* the ſeventh Time: And this *Propertius* expreſly confirms, *Book* 2. *Eleg.* 24.

(*a*) *Ad. Georg.* 3. (*b*) *Caſſiodor.* lib. *Epiſt.* 5.

Aut

Aut prius infecto depoſcit præmia curſu,
Septima quam metam triverit arte rota.

What Charioteer wou'd with the Crown be grac'd,
'Ere his ſeventh Wheel the Mark has lightly paſs'd?

So that the greateſt Proof of their Art was to avoid the *Meta* with Dexterity, when they made their Turns; otherwiſe the Chariot and the Charioteer would come into no leſs Danger than Diſgrace.

——*Metaque fervidis*
Evitata rotis. Hor. Od. 1.

This occaſioned *Theocritus*, when he mentions the Exerciſes in which they inſtructed young *Hercules*, to aſſign no leſs a Perſon for his Tutor than his own Father.

Ἵππυς δ' ἐξελάσασθαι ὑφ' ἅρματι καὶ περὶ νύσσαν
Ἀσφαλέως κάμπτοντα τροχῷ σύριγγα φυλάξαι,
Ἀμφίτρυων ὃν παῖδα φίλα φρονέων ἐδίδασκεν
Αὐτὸς, ἐπὶ μάλα πολλὰ θεῶν ἐξήρατ' ἀγώνων
Ἄρσει ἐν ἱπποδότῳ κειμήλια· καὶ τὸ μὲν ἀεῖς
Δίφροι ὑφ' ὧν ἐπέβαινε, χρόνῳ διέλυσαν ἰμάντας. Εἰδυλ. κδ. 117.

To drive the Chariot, and with ſteady Skill
To turn, and yet not break the bending Wheel,
Amphytrio kindly did inſtruct his Son:
Great in that Art; for he himſelf had won
Vaſt precious Prizes on the *Argive* Plains:
And ſtill the Chariot which he drove remains,
Ne'er hurt i'th' Courſe, though Time had broke the falling Reins.
CREECH.

They who deſire to be critically and better informed in what Manner theſe Races were performed, which were certainly very noble and entertaining, will meet with no leſs Pleaſure than Satisfaction from the Deſcription which *Virgil* has given of them in his third Georgic, l. 103.

Nonn.

Nonne vides, cum præcipiti certamine campum
Corripuere, ruuntque effuſi carcere currus;
Cum ſpes arrectæ juvenum, exultantiaque haurit
Corda pavor pulſans: illi inſtant verbere torto,
Et proni dant lora: volat vi fervidus axis.
Jamque humiles, jamque elati ſublime videntur
Aera per vacuum ferri, atque aſſurgere in auras.
Nec mora, nec requies: at fulvæ nimbus arenæ
Tollitur; humeſcunt ſpumis flatuque ſequentum:
Tantus amor laudum, tantæ eſt victoria curæ.

Haſt thou beheld, when from the Goal they ſtart,
The youthful Charioteers with beating Heart
Ruſh to the Race; and panting ſcarcely bear
Th' Extremes of fev'riſh Hopes and chilling Fear;
Stoop to the Reins, and laſh with all their Force:
The flying Chariot kindles in the Courſe.
And now a-low, and now a-loft they fly,
As born thro' Air, and ſeem to touch the Sky:
No Stop, no Stay; but Clouds of Sand ariſe,
Spurn'd and caſt backward on the Follower's Eyes:
The Hindmoſt blows the Foam upon the Firſt:
Such is the Love of Praiſe, and Honourable Thirſt.

DRYDEN.

The *Troja*, or *Ludus Trojæ*, is generally attributed to the Invention of *Aſcanius*. It was celebrated by Companies of Boys neatly dreſſed, and furniſhed with little Arms and Weapons, who muſtered in the public *Circo*. They were collected for the moſt Part, out of the nobleſt Families; and the Captain of them had the honourable Title of *Princeps Juventutis*; being ſometimes the next Heir to the Empire; and ſeldom leſs than the Son of a principal Senator. This Cuſtom is ſo very remarkable, that it would be an unpardonable Omiſſion, not to give the whole Account of it in *Virgil*'s own Words; eſpecially ſince the Poet, in uſing all his Art on this Subject, as a Compliment to *Auguſtus*, has left us a moſt inimitable Deſcription of it.

Æneid. 5. Ver. 545.

At pater Æneas, nondum certamine miſſo,
Cuſtodem ad ſeſe comitemque impubis Iuli
Epytidem vocat, & fidam ſic fatur ad aurem:
Vade age, & Aſcanio, ſi jam puerile paratum
Agmen habet ſecum, curſuſque inſtruxit equorum,
Ducat avo turmas, & ſeſe oſtendat in armis,
Dic, ait. Ipſe omnem longo decedere circo
Infuſum populum, & campos jubet eſſe patentes.
Incedunt pueri, pariterque ante ora parentum
Frænatis lucent in equis: quos omnis euntes
Trinacriæ mirata fremit Trojæque juventus.
Omnibus in morem tonſa coma preſſa corona:
Cornea bina ferunt præfixa haſtilia ferro;
Pars læves humero pharetras: It pectore ſummo
Flexilis obtorti per collum circulus auri.
Tres equitum numero turmæ, ternique vagantur
Ductores: Pueri bis ſeni quemque ſecuti,
Agmine partito fulgent paribuſque Magiſtris.
Una acies juvenum, ducit quam parvus ovantem
(Nomen avi referens,) Priamus, tua clara, Polite,
Progenies, auctura Italos; quem Thracius albis
Portat equus bicolor maculis: veſtigia primi
Alba pedis, frontemque oſtentans arduus albam.
Alter Atys, genus unde Atti duxere Latini:
Parvus Atys, pueroque puer dilectus Iulo.
Extremus, formaque ante omnes pulcher Iulus
Sidonio eſt invectus equo; quem candida Dido
Eſſe ſui dederat monumentum & pignus amoris.
Cætera Trinacriis pubes ſenioris Aceſtæ
Fertur equis.
Excipiunt plauſu pavidos, gaudentque ruentes
Dardanidæ, veterumque agnoſcunt ora parentum.
Poſtquam omnem læti conceſſum oculoſque ſuorum
Luſtravere in equis; ſignum clamore paratis
Epytides longe dedit, inſonuitque flagello.
Olli diſcurrere pares, atque agmina terni
Diductis ſolvere choris; rurſuſque vocati
Convertere vias, infeſtaque tela tulere.
Inde alios incunt curſus, alioſque recurſus,

Adverſi

Adverſis ſpatiis, alternoſque orbibus orbes
Impediunt, pugnæque cient ſimulachra ſub armis:
Et nunc terga fugæ nudant, nunc ſpicula vertunt
Infenſi; facta pariter nunc pace feruntur:
Ut quondam Creta fertur labyrinthus in alta
Parietibus textum cæſis iter, ancipitemque
Mille viis habuiſſe dolum, qua ſigna ſequendi
Falleret indeprenſus & irremeabilis error.
Haud aliter Teucrum nati veſtigia curſu
Impediunt, texuntque fugas & prælia ludo:
Delphinum ſimiles, qui per maria humida nando
Carpathium Libycumqne ſecant, luduntque per undas.
Hunc morem, hos curſus, atque hæc certamina primus
Aſcanius, longam muris cum cingeret Albam.
Retulit, & priſcos docuit celebrare Latinos:
Quo puer ipſe modo, ſecum quo Troia pubes,
Albani docuere ſuos: hinc maxima porro
Accepit Roma, & patrium ſervavit honorem:
Trojaque nunc pueri, Trojanum dicitur agmen.

But Prince *Æneas*, e're the Games were done,
Now call'd the wiſe Inſtructor of his Son,
The good *Epytides*, whoſe faithful Hand
In noble Arts the blooming Hero train'd:
To whom the Royal Chief his Will declar'd:
Go bid *Aſcanius*, if he ſtands prepar'd
To march his youthful Troops, begin the Courſe,
And let his Grandſire's Shade commend his growing Force.
Thus he; and order'd ſtreight the ſwarming Tide
To clear the *Circo*; when from every Side
Crouds bear back Crouds, and leave an open Space,
Where the new Pomp in all its Pride might paſs.
The Boys move on, all glittering lovely bright,
On well-rein'd Steeds in their glad Parents Sight.
Wond'ring, the *Trojan* and *Sicilian* Youth
Crown with Applauſe their Virtue's early Growth.
Their flowing Hair cloſe flow'ry Chaplets grace,
And two fair Spears their eager Fingers preſs.
Part bear gay Quivers on their Shoulders hung,
And Twiſts of bending Gold lie wreath'd along
Their Purple Veſt; which at the Neck begun,
And down their Breaſts in ſhining Circles run.

Three lovely Troops, three beauteous Captains led,
And twice ſix Boys each hopeful Chief obey'd.
The firſt gay Troop young *Priam* marſhals on,
Thy Seed, *Polites*, not to Fame unknown,
That with *Italian* Blood ſhall join his own:
Whoſe kinder Genius, rip'ning with his Years,
His Wretched Grandſire's Name to better Fortune bears.
A *Thracian* Steed with Spots of ſpreading White
He rode, that paw'd, and crav'd the promis'd Fight.
A lovely White his hither Fetlocks ſtains;
And White his high erected Forehead ſhines.
And next with ſtately Pace young *Atys* mov'd,
Young *Atys*, by the young *Aſcanius* lov'd.
From this great Line the noble *Attian* Stem,
In *Latium* nurs'd, derive their antient Name.
The third with his Command *Aſcanius* grac'd;
Whoſe Godlike Looks his Heavenly Race confeſs'd;
So beautiful, ſo brave, he ſhone above the reſt.
His ſprightly Steed from *Sidon*'s Paſture came,
The noble Gift of the fair *Tyrian* Dame,
And fruitleſs Pledge of her unhappy Flame.
The reſt *Sicilian* Courſers all beſtrode,
Which old *Aceſtes* on his Gueſts beſtow'd.
Them, hot with beating Hearts, the *Trojan* Crew
Receive with Shouts, and with freſh Pleaſure view;
Diſcovering in the Lines of every Face
Some venerable Founder of their Race.
And now the youthful Troops their Round had made,
Panting with Joy, and all the Crowd ſurvey'd;
When ſage *Epytides*, to give the Sign,
Crack'd his long Whip, and made the Courſe begin.
At once they ſtart, and ſpur with artful Speed,
'Till in the Troops the little Chiefs divide
The cloſe Battalion: Then at once they turn,
Commanded back; while from their Fingers born,
Their hoſtile Darts a-loft upon the Wind
Fly ſhivering: Then in circling Numbers join'd,
The manag'd Courſes with due Meaſures bound,
And run the rapid Ring, and trace the mazy Round.
Files facing Files, their bold Companions dare,
And wheel, and charge, and urge the ſportive War.
Now Flight they feign, and naked Backs expoſe;
Now with turn'd Spears drive headlong on the Foes;
And now, Confederate grown, in peaceful Ranks they cloſe.

As

As *Crete*'s fam'd *Labyrinth* to thouſand Ways,
And thouſand darken'd Walls the Gueſt conveys;
Endleſs, inextricable Rounds amuſe,
And no kind Track the doubtful Paſſage ſhews.
So the glad *Trojan* Youth their winding Courſe
Sporting purſue; and charge the rival Force.
As ſprightly Dolphins in ſome calmer Road
Play round the ſilent Waves, and ſhoot along the Flood.
Aſcanius, when (the rougher Storms o'erblown,)
With happier Fates he rais'd fair *Alba*'s Town;
This youthful Sport, this ſolemn Race renew'd,
And with new Rites made the plain *Latins* proud.
From *Alban* Sires, th' Hereditary Game
To matchleſs *Rome* by long Succeſſion came:
And the fair Youth in this Diverſion train'd,
Troy they ſtill call, and the brave *Trojan* Band.

Lazius in his Commentaries *de Repub. Romana* ſuppoſes that the Juſts and Tournaments, ſo much in Uſe about two or three hundred Years ago, owed their Original to this *Ludus Trojæ*, and that *Tornamenta* is but a Corruption of *Trojamenta*. And the Learned and Noble *Du Freſne* acquaints us that many are of the ſame Opinion. However, though the Word may perhaps be derived with more Probability from the *French Tourner*, to turn round with Agility; yet the Exerciſes have ſo much Reſemblance, that one ſeems an Imitation of the other.

The *Pyrrhice*, or *Saltatio Pyrrhica*, is commonly believed to be the ſame with the Sport already deſcribed. But, as none of the Antients have left any tolerable Grounds for ſuch a Conjecture, and it will appear very different, if we look into its Original, and the Manner of the Performance. Its Original is attributed to *Minerva*, who led up a Dance in her Armour, after the Conqueſt of the *Titans*: By others, to the *Curetes*, or *Corybantes*, *Jupiter*'s Guard in his Cradle: who leaped up and down, claſhing their Weapons, to keep old *Saturn* from hearing the Cries of his Infant Son. *Pliny* attributes the Invention to *Pyrrhus*, Son to *Achilles*, who inſtituted ſuch a Company of Dancers at the Funeral of his Father (*a*). However, that it was very antient is plain

(*a*) *Nat. Hiſt.* lib. 57.

from *Homer*; which he glances at in ſeveral Deſcriptions' and a Repreſentation of which he has moſt exactly engraved on the Shield of *Achilles*, given him by *Vulcan*. The Manner of the Performance ſeems to have conſiſted chiefly in the nimble turning of the Body, and ſhifting every Part, as if it were done to avoid the Stroke of an Enemy: And therefore this was one of the Exerciſes in which the young Soldiers were trained. *Apuleius* deſcribes a *Pyrrhic* Dance, performed by young Men and Maids together (*a*); which only, would be ſufficient to diſtinguiſh it from the *Ludus Trojæ*. The beſt Account we meet with of the *Pyrrhic* Dance is in *Claudian*'s Poem on the ſixth Conſulſhip of *Honorius*.

Armatos hic ſæpe choros, certaque vagandi
Textas lege fugas, inconfuſoſque recurſus,
Et pulchras errorum artes, jucundaque Martis
Cernimus: inſonuit cum verbere ſigna magiſter,
Mutatoſque edant pariter tot pectora motus,
In latus alliſis clypeis, aut rurſus in altum
Vibratis: grave parma ſonat mucronis acuti
Verbere, & umbonum pulſu modulante reſultans
Ferreus alterno concentus clauditur enſe.

Here too the Warlike Dancers bleſs our Sight,
Their artful Wandr'ing, and their Laws of Flight,
And unconfus'd Return, and inoffenſive Fight.
Soon as the Maſter's *Clack* proclaims the Prize,
Their moving Breaſts in tuneful Changes riſe;
Their Shields ſalute their Sides, or ſtraight are ſhown
In Air high waving; deep the Targets groan
Struck with alternate Swords, which thence rebound,
And end the Concert and the ſacred Sound.

The moſt ingenious Mr. *Cartwright*, Author of the *Royal-Slave*, having Occaſion to preſent a Warlike Dance in that Piece, took the Meaſures of it from this Paſſage of *Claudian*, as the moſt exact Guide Antiquity has left. And in his Piece has given no other Deſcription of that Dance, than the Verſes he copied from the Author juſt mentioned.

(*a*) *Mileſiar.* lib. 10.

Julius

Julius Scaliger tells us, that while a Youth, he had often danced the *Pyrrhic* before the Emperor *Maximilian*, to the Amazement of all *Germany:* And that the Emperor was once so surprized at his warlike Activity, as to cry out, "This Boy either was born in a Coat of Mail, instead of "a Skin, or else has been rocked in one instead of a Cra- "dle (*a*)."

(*a*) *Poet.* lib. 1. cap. 18.

CHAP. III.

Of the Exhibitions of Wild Beasts, and of the Naumachiæ.

THE Shows of wild Beasts were instituted to the Honour of *Diana* the Patroness of Hunting. For this Purpose, no Expence was spared to collect the most rare Creatures from the most distant Parts: Hence *Claudian*,

———ratibus pars ibat onustis
Per freta, vel fluvios; exsanguis dextera torpet
Remigis, & propriam metuebat navita mercem.

——Part in laden Vessels came,
Born on the rougher Waves, or gentler Stream;
The fainting Slave let fall his trembling Oar;
And the pale Master fear'd the Freight he bore.

And presently after,

——Quodcunque tremendum est
Dentibus, aut insigne jubis, aut nobile cornu,
Aut rigidum setis capitur, decus omne timorque
Sylvarum, non caute latent, non mole resistunt.

All that with potent Teeth command the Plain,
All that run horrid with erected Mane,
Or proud of stately Horns, or bristling Hair,
At once the Forest's Ornament and Fear;

Torn from their Deſarts by the *Roman* Power,
Nor Strength can ſave, nor craggy Dens ſecure.

Some Creatures were preſented merely as Rarities, as the Crocodiles, and ſeveral foreign Birds and Beaſts: others for the Combat, as Lions, Tigers, Leopards, &c. others, either purely for Delight, or elſe for the Uſe of the People, as at ſuch Times they were allowed the Liberty of catching what they could for themſelves, as Hares, Deer, and the like. There were three Sorts of Diverſions practiſed with the Beaſts, which paſſed under the general Name of *Venation*; the firſt, when the People were permitted to run down the Beaſts for their own Uſe; the ſecond, when the Beaſts fought with one another; and the laſt, when they were brought out to engage with Men.

When the People were allowed to lay hold on what they could for their own Uſe, they called it *Venatio direptionis:* This ſeems to have been an Inſtitution of the Emperors. It was many Times preſented with extraordinary Charge, and great Variety of Contrivances: The middle Part of the *Circus* being ſet all over with Trees, removed thither by main Force, and ſecured to huge Planks, which were laid on the Ground; theſe, being covered with Earth and Turf, repreſented a natural Foreſt, into which the Beaſts being let from the *Caveæ*, or Dens under Ground, the People, at a Sign given by the Emperor, hunted them, and carried away what they killed, to regale upon at Home. The Beaſts uſually given were Boars, Deer, Oxen, and Sheep. Sometimes all Kinds of Birds were preſented after the ſame Manner. The uſual Way of letting the People know what they ſhould ſeize, was by ſcattering amongſt them little Tablets or Tickets, (*Teſſeras*) which entitled thoſe who caught them to the Contents of their Inſcription. Sometimes every Ticket was marked with ſuch a Sum of Money, payable to the firſt Taker. Theſe Rewards were in general termed *Miſſilia*, from their being thrown among the Multitude (*a*).

The Fights between Beaſts were exhibited with great Variety; ſometimes we find a Tiger matched with a Lion; ſometimes a Lion with a Bull, a Bull with an Elephant, a Rhinoceros with a Bear, *&c.* Sometimes we meet with a Deer hunted on the *Arena* by a Pack of Dogs. But the moſt extraordinary Sight was, when by bringing the Water

(*a*) *Vid.* Bullenger *de Venat. Circ.* cap. 23.

into

into the Amphitheatre, huge Sea-Monsters, were introduced to combat with Wild Beasts.

Nec nobis tantum sylvestria cernere monstra
Contigit, æquoreos ego cum certantibus ursis
Spectavi vitulos. Calphurn. Eclog. 7.

Nor Sylvan Monsters we alone have view'd,
But huge Sea-Calves, dy'd red with hostile Blood
Of Bears, lie flound'ring in the wond'rous Flood.

The Men, that engaged with Wild Beasts, had the common Name of *Bestiarii*. Some of these were condemned Persons, as has already been remarked (*a*): Others hired themselves at a set Price, like the *Gladiators*; and, like them too, had their Schools, where they were instructed and initiated in such Combats. We find several of the Nobility and Gentry often voluntarily engaging in these Encounters. And *Juvenal* acquaints us, that the very Women were ambitious of shewing their Courage, on the like Occasions, though with the Forfeiture of their Modesty.

Cum——————Mævia Tuscum
Figat aprum, & nuda teneat venabula mamma. Sat. i. 22.

Or when with naked Breast the manniſh Whore
Shakes the broad Spear against the *Tuscan* Boar.

And *Martial* compliments the Emperor *Domitian* very handsomely on the same Account. Spectac. vi.

Belliger invictis quod Mars tibi sævit in armis,
Non satis est, Cæsar, sævit & ipsa Venus.
Prostratum vasta Nemees in valle leonem
Nobile & Herculeum fama canebat opus.
Prisca fides taceat: Nam post tua munera, Cæsar,
Hæc jam fœminea vidimus acta manu.

Not *Mars* alone his bloody Arms shall wield;
Venus, when *Cæsar* bids, shall take the Field,
Nor only wear the Breeches, but the Shield.
The Savage Tyrant of the Woods and Plain,
By *Hercules* in doubtful Combat slain,

(*a*) Book iii. Chap. 20.

Still

Still fills our Ears with the *Nemean* Vale,
And muſty Rolls the mighty Wonder tell:
No Wonder now; for *Cæſar*'s Reign has ſhown
A Woman's equal Power; the ſame Renown
Gain'd by the Diſtaff which the Club had won.

Thoſe who engaged on the open Ground with the Beaſts, commonly did ſo at great Diſadvantages; and therefore, for the moſt Part, their Safety conſiſted in the nimble turning of their Body; and leaping up and down to elude the Force of their Adverſary. Therefore *Martial* may very well make a Hero of the Man who ſlew twenty Beaſts, all let in upon him at once, though we may ſuppoſe them to have been of the inferior Kind.

Herculeæ laudis numeretur gloria: plus eſt
Bis denas pariter perdomuiſſe feras.

Count the twelve Feats that *Hercules* has done;
Yet twenty make a greater, joined in one.

But as this Way of engaging commonly proved ſucceſsful to the Beaſts, they had other Ways of attacking them; which they did with Darts, Spears, and other miſſive Weapons, from the higher Parts of the Amphitheatre, where they were ſecure from their Reach; ſo as by ſome Means or other they commonly contrived to kill three or four hundred Beaſts in one Show.

In the Exhibition of wild Beaſts given by *Julius Cæſar* in his third Conſulſhip, twenty Elephants were oppoſed to five hundred Footmen; and twenty more with Turrets on their Backs, with ſixty Men allowed for the Defence of the Turret, engaged with five hundred Foot, and as many Horſe (*a*).

The *NAUMACHIÆ* owe their Original to the Time of the firſt *Punic* War, when the *Romans* began to initiate their Men in the Knowledge of Sea-Affairs. After the Improvements of many Years, they were exhibited as well for gratifying the Sight, as for encreaſing their naval Experience and Diſcipline; and therefore compoſed one of the ſolemn Shows, by which the Magiſtrates, or Emperors, or thoſe deſirous of Popularity, ſo often made their Court to the People.

The uſual Accounts we have of theſe Exerciſes, ſeem to deſcribe them as nothing elſe but the Repreſentation of a

(*a*) Plin. *Nat. Hiſt.* lib. 8. cap. 7.

naval

naval Fight. But it is probable that ſometimes they did not engage in an hoſtile Manner, but only rowed fairly for the Victory. This Conjecture may be confirmed by the Authority of *Virgil*, who is acknowledged by all the Critics, in his Deſcriptions of the Games and Exerciſes, to have had an Eye always to his own Country, and to have drawn them after the Manner of the *Roman* Sports. Now the Sea Contention, which he preſents us with, is entirely a Trial of Swiftneſs in the Veſſels, and of Skill in managing the Oars, as it is moſt admirably delivered in his fifth Book: 114.

Prima pares ineunt gravibus certamina remis
Quatuor ex omni delectæ claſſe carinæ, &c.

The *Naumachiæ* of *Claudius*, which he preſented on the *Fucine* Lake before he drained it, deſerve to be particularly mentioned, not more for the Greatneſs of the Exhibition, than for the Behaviour of the Emperor; who, when the Combatants paſſed before him with ſo melancholy a Greeting as, *Ave Imperator, morituri te ſalutant*, returned in Anſwer, *Avete vos*; which when they would gladly have interpreted as an Act of Favour, and a Grant of their Lives, he ſoon gave them to underſtand that it proceeded from the contrary Principle of barbarous Inſenſibility (*a*).

The moſt celebrated *Naumachiæ* were thoſe of the Emperor *Domitian*; in which were engaged ſuch a vaſt Number of Veſſels as would have almoſt formed two compleat Navies (*b*) for a proper Fight, together with a proportionable Channel of Water, equalling the Dimenſions of a natural River. *Martial* has ſome very elegant Lines of a peculiar Turn on this Subject. *Spectac.* 24.

Si quis ades longis ſerus ſpectator ab oris,
Cui lux prima ſacri muneris iſta dies,
Ne te decipiat ratibus navalis Enyo,
Et par unda fretis: hic modo terra fuit.
Non credis? ſpectes dum laxent æquora Martem:
Parva mora eſt, dices, hic modo pontus erat.

Stranger, whoe'er from diſtant Parts arriv'd,
But this one ſacred Day in *Rome* haſt liv'd:
Miſtake not the wide Flood, and pompous Show
Of naval Combats: Here was Land but now.

(*a*) See *Sueton. Claud.* c. 43. *Tacit.* Ann. XIII. (*b*) *Sueton.* in *Domit*, c. 4.

Is

Is this beyond your Credit? Only ſtay
Till from the Fight the Veſſels bear away;
You'll cry with Wonder, Here but now was Sea!

It is related of the Emperor *Heliogabalus*, that, in a Repreſentation of a naval Fight, he filled the Channel where the Veſſels were to ride, with Wine inſtead of Water (*a*). A Story impoſſible, though we have the higheſt Conceptions of his prodigious Luxury and Extravagance.

CHAP. IV.

Of the GLADIATORS.

THE Riſe of the *Gladiators* is ſuppoſed to be derived from the antient Cuſtom of killing Men at the Funerals of great Generals. For the old Heathens fancying the Ghoſts of the deceaſed to be ſatisfied, and rendered propitious by Human Blood, at firſt uſed to buy Captives, or Slaves, and offered them at the Obſequies. Afterwards they contrived to ſet off their impious Barbarity with the ſpecious Show of Pleaſure, and voluntary Combat; and therefore training up ſuch Perſons as they had procured, in ſome tolerable Knowledge of Weapons; upon the Day appointed for the Sacrifices to the deceaſed, they obliged them to maintain a mortal Encounter at the Tombs of their Friends. The firſt Show of *Gladiators**, exhibited at *Rome*, was that of *M.* and *D. Brutus*, upon the Death of their Father, *A. U. C.* 490. in the Conſulſhip of *Ap. Claudius*, and *M. Fulvius* (*b*).

* *Munus Gladiatorium.*

After a while, when they found the People exceedingly pleaſed with ſuch bloody Entertainments, they reſolved to give them the like Diverſion as often as poſſible; and therefore it ſoon grew into a Cuſtom, that not only the Heir of any great or rich Citizen newly deceaſed, but that all the principal Magiſtrates ſhould take Occaſions to preſent the People with theſe Shows, in Order to procure their Eſteem and Affection. Nay, the very Prieſts were ſometimes the Exhibitors of ſuch impious Pomps; for we meet with the *Ludi*

(*a*) *Lampridius* in *Heliogab.* (*b*) *Val. Max.* lib. 2. cap. 4.

Ponti-

Pontificales in *Suetonius (a)* and with the *Ludi Sacerdotales* in *Pliny (b)*.

As for the Emperors, it was so much their Interest to ingratiate themselves with the Commonalty, that they obliged them with these Shows almost upon all Occasions: As on their Birth-day; at the Time of a Triumph, or after any signal Victory; at the Consecration of any public Edifices; at the Games which several of them instituted, to return in such a Term of Years; with many others, which are to be met with in History.

And as the Occasions of these Solemnities were so prodigiously encreased, in the same Manner was the Length of them, and the Number of the Combatants. At the first Show exhibited by the *Bruti*, it is probable there were only three Sets of *Gladiators*, as may be collected from *Ausonius:*

Tres primas Thracum pugnas, tribus ordine bellis,
Juniadæ patrio inferias misere sepulchro.

Yet *Julius Cæsar* in his Edileship presented three hundred and twenty Pair (*c*). The excellent *Titus* exhibited a Show of *Gladiators*, wild Beasts, and Representations of Sea-fights, an hundred Days together (*d*): And *Trajan*, who was equally delighted with such Sports continued a Solemnity of this Nature an hundred and twenty three Days, in which Time he presented a thousand Pair of *Gladiators* (*d*). Two thousand Men of the same Profession were enlisted by the Emperor *Otho* to serve against *Vitellius (e)*. Nay, long before this, they were so very numerous, that in the Time of the *Catilinarian* Conspiracy, an Order passed to send all the *Gladiators* into the Garrisons, for fear they should raise any Disturbance in the City (*f*), by joining with the disaffected Party. And *Plutarch* informs us, that the famous *Spartacus*, who at last gathered such a numerous Force as to put *Rome* under some Apprehensions, was no more than a *Gladiator*, who, breaking out from a Show at *Verona*, with the rest of his Gang, dared to proclaim War against the *Roman* State (*g*).

In the mean Time, the wiser and the better *Romans* were very sensible of the dangerous Consequences which a Corruption of this Nature might produce; and therefore *Cicero* preferred a Law, that no Person should exhibit a Show of *Gladiators* within two Years before he appeared Candidate

(*a*) *August.* cap. 44. (*b*) *Epist.* lib. 7. (*c*) *Plutarch* in *Cæsar.* (*d*) *Dio.* lib. 68. (*e*) *Tacitus.* (*f*) *Sallust. Catalin.* (*g*) *Plutarch* in *Cras.*

for

for an Office (*a*). *Julius Cæsar* ordered, that only such a Number of Men of this Profession should be in *Rome* at a Time (*b*). *Augustus* decreed that only two Shows of *Gladiators* should be presented in a Year, and never above sixty Pair of Combatants at each (*c*). *Tiberius* provided by an Order of Senate, that no Person should have the Privilege of gratifying the People with such a Solemnity, unless he was worth four hundred thousand *Sesterces* (*d*).

Nerva in a great Measure regulated this Affair, after the many Abuses of the former Emperors; but the Honour of entirely removing this Barbarity out of the *Roman* World, was reserved for *Constantine* the Great, which he performed about the Year of the City 1067, near six hundred Years after their first Institution. Yet under *Constantius*, *Theodosius*, and *Valentinian*, the same cruel Humour began to revive, until a final Stop was put to it by the Emperor *Honorius*; the Occasion of it is given at large by the Authors of Ecclesiastical History.

Thus much may be proper to observe in general, concerning the Origin, Increase, and Restraint of this Custom. For our farther Information, it will be necessary to take particular Notice of the Condition of the *Gladiators*, of their several Orders or Kinds, and of their Manner of Duelling.

As for their Condition, they were commonly Slaves, or Captives; for it was a common Custom to sell a disobedient Servant to the *Lanistæ*, or Instructors of the *Gladiators*, who, after they had taught them some Part of their Skill, let them out for Money at a Show. Yet the Freemen soon put in for a Share of this Privilege to be killed in Jest; and accordingly many Times offered themselves to hire for the Amphitheatre, whence they had the Name of *Auctorati*. Nay, the Knights and Noblemen, and even the Senators themselves, at last were not ashamed to take up the same Profession; some to keep themselves from starving, after they had squandered away their Estates, and others to make their Court to the Emperors: So that *Augustus* was forced to command by a public Edict, that none of the Senatorian Order should turn *Gladiators* (*e*). And soon after, he laid the same Restraint on the Knights (*f*). Yet those Prohibitions were so little regarded by the following Princes, that *Nero* presented at one Show (if the Numbers in *Suetonius* are not corrupted) four hundred Senators, and six hundred of the *Equestrian* Rank (*g*)

(*a*) *Cicero* in *Vatin.* (*b*) *Suet. Cæs.* cap. 10. (*c*) *Dio.* (*d*) *Tacit.* An. 4. (*e*) *Dio*, lib. 48. (*f*) *Sueton. Aug.* cap. 43. *Dio.* lib. 54. (*g*) *Idem. Ner.* cap. 12.

But

But all this will not Surprise, when, upon a farther View, we meet with the very Women engaging in these public Encounters, particularly under *Nero* and *Domitian*. *Juvenal* has in a most masterly Manner exposed this Disabuse of their Sex in his sixth Satire. 254.

Quale decus rerum, si conjugis auctio fiat,
Balteus & manicæ, & cristæ, crurisque sinistri
Dimidium tegmen? vel si diversa movebit
Prœlia, tu felix, ocreas vendente puella.
Hæ sunt quæ tenui sudant in cyclade: quarum
Delicias & panniculus bombycinus urit.
Adspice quo fremitu monstratos preferat ictus,
Et quanto galeæ curvetur pondere; quanta
Poplitibus sedeat, quam densa fascia libro!

Oh! what a decent Sight 'tis to behold
All thy Wife's Magazine by Auction sold!
The Belt, the crested Plume, the several Suits
Of Armour, and the *Spanish* Leather Boots!
Yet these are they that cannot bear the Heat
Of figur'd Silks, and under Sarsenet sweat.
Behold the strutting *Amazonian* Whore,
She stands in Guard, with her right Foot before;
Her Coats tuck'd up, and all her Motions just,
She stamps, and then cries hah! at every Thrust.

DRYDEN.

Yet the Women were not the most inconsiderable Performers, for a more ridiculous Set of Combatants are still behind; and these were the Dwarfs, who encountering one another, or the Women, at these public Diversions, gave a very high Entertainment. *Statius* has left us this elegant Description of them. *Sylv.* I. vi. 57.

Hic audax subit ordo pumilorum,
Quos natura brevi statu peractos,
Nodosum semel in globum ligavit.
Edunt vulnera, conferuntque dextras,
Et mortem sibi, qua manu, minentur,
Ridet Mars pater & cruenta Virtus;
Casuræque vagis grues rapinis,
Mirantur pumilos ferociores.

To

To mortal Combat next ſucceed
Bold Fencers of the *Pigmy* Breed,
Whom Nature, when ſhe half had wrought,
Not worth her farther Labour thought,
But clos'd the reſt in one hard Knot.
With what a Grace they drive their Blow,
And ward their Jolt-head from their Foe?
Old *Mars* and rigid *Virtue* ſmile
At their redoubted Champions Toil.
And Cranes, to pleaſe the Mob let fly,
Admire to ſee their Enemy
So often by themſelves o'ercome,
Inſpir'd with nobler Hearts at *Rome*.

The ſeveral Kinds of *Gladiators* worth obſerving were the *Retiarii*, the *Secutores*, *Myrmillones*, the *Thracians*, *Samnites*, *Pinnirapi*, the *Eſſedarii*, and the *Andabatæ*. But before we enquire particularly into the diſtinct Orders, we may take Notice of ſeveral Names attributed in common to ſome of every Kind upon various Occaſions. Thus we meet with the *Gladiatores Meridiani*, who engaged in the Afternoon, the chief Part of the Show being finiſhed in the Morning. *Gladiatores Fiſciales*, thoſe who were maintained out of the Emperor's *Fiſcus*, or private Treaſury, ſuch as *Arrian* calls Καίσαρος μονομάχους *Cæſar's Gladiators*: *Gladiatores Poſtulatitii*, commonly Men of great Art and Experience, whom the People particularly deſired the Emperor to produce: *Gladiatores Catervarii*, ſuch as did not fight by Pairs, but in ſmall Companies: *Suetonius* uſes *Catervarii Pugiles* in the ſame Senſe (*a*). *Gladiatores ordinarii*, ſuch as were preſented according to the common Manner, and at the uſual Time, and fought in the ordinary Way; on which Account they were diſtinguiſhed from the *Catervarii*, and the *Poſtulatitii*.

As for the ſeveral Kinds already mentioned, they owed their Diſtinction to their Country, their Arms, their Way of fighting, and ſuch Circumſtances; and may be thus, in ſhort, deſcribed:

The *Retiarius* was dreſſed in a ſhort Coat, having a *Fuſcina* or Trident in his Left-hand, and a Net in his Right, with which he endeavoured to entangle his Adverſary, and then with his Trident might eaſily diſpatch him: On his

(*a*) *Aug.* cap. 45.

Head

Head he wore only a Hat tied under his Chin with a broad Ribbon. The *Secutor* was armed with a Buckler and Helmet, whereon was the Figure of a Fiſh, in Alluſion to the Net. His Weapon was a Scymetar, or *Falx ſupina.* He was called *Secutor*, becauſe if the *Retiarius*, againſt whom he was always matched, ſhould happen to fail in caſting his Net, his only Safety lay in Flight; ſo that in this Caſe he run about the Place of Combat with all poſſible Agility, until he had again prepared his Net: In the mean Time this Opponent followed him, and endeavoured to prevent his Deſign. *Juvenal* is very happy in the Account he gives us of a young Nobleman that ſcandalouſly turned *Retiarius* in the Reign of *Nero:* Nor is there any Relation of this Sort of Combat ſo exact in any other Author.

———*Et illic*
Dedecus urbis habes: nec myrmillonis in armis,
Nec clypeo Gracchum pugnantem aut falce ſupina,
(Damnat enim tales habitus, ſed damnat & odit:)
Nec galea faciem abſcondit, movet ecce tridentem,
Poſtquam librata pendentia retia dextra
Nequicquam effudit, nudum ad ſpectacula vultum
Erigit, & tota fugit agnoſcendus arena.
Credamus tunicæ, de faucibus aurea cum ſe
Porrigat, & longo jactetur ſpira galero:
Ergo ignominiam graviorem pertulit omni
Vulnere, eum Graccho juſſus pugnare ſecutor. Sat. viii. 199.

Go to the Liſts where Feats of Arms are ſhown,
There you'll find *Gracchus* from Patrician grown
A Fencer, and the Scandal of the Town.
Nor will he the *Myrmillo*'s Weapons bear:
The *modeſt Helmet* he diſdains to wear.
As *Retiarius* he attacks his Foe;
Firſt waves his *Trident* ready for the Throw;
Next caſts his *Net*, but neither levell'd right,
He ſtares about, expos'd to public Sight,
Then places all his Safety in his Flight.
Room for the noble *Gladiator!* ſee
His Coat and Hatband ſhow his Quality.
Thus when at laſt the brave *Myrmillo* knew
'Twas *Gracchus* was the Wretch he did purſue,
To conquer ſuch a Coward griev'd him more,
Than if he many glorious Wounds had bore.

STEPNEY.

Here the Poet ſeems to make the *Myrmillo* the ſame as the *Secutor*, and thus all the Commentators explain him. Yet *Lipſius* will have the *Myrmillones* to be a diſtinct Order, who fought compleatly armed; and therefore he believes them to be the *Crupellarii* of *Tacitus* (*a*), ſo called from ſome old *Gallic* Word, expreſſing that they could but move ſlowly on Account of their heavy Armour.

The *Thracians* were a People that moſt excelled amongſt the *Gladiators*, as their Nation was remarkable for Fierceneſs and ſavage Brutality beyond the reſt of the World. The particular Weapon they uſed was the *Sica*, or Faulchion; and their Defence conſiſted in a *Parma*, or little round Shield, proper to their Country.

The Original of the *Samnite* Gladiators is given us by *Livy*: The *Campanians*, ſays he, bearing a great Hatred to the *Samnites*, armed a Part of their Gladiators after the Manner of that Country, and called them *Samnites* (*b*). What theſe Arms were, he tells us in another Place; they conſiſted of a Shield broad at the Top to defend the Breaſt and Shoulders, and growing narrower towards the Bottom, that if might be moved with the greater Convenience; they had a Sort of Belt coming over their Breaſts, a Greave on their left Foot, and a creſted Helmet on their Heads; whence it is plain that Deſcription of the *Amazonian* Fencer, already given from *Juvenal*, is expreſly meant of aſſuming the Armour and Manner of a *Samnite* Gladiator.

Balteus & manicæ & criſtæ, cruriſque ſiniſtri
Dimidium tegmen.

The *Pinnæ*, which adorned the *Samnite*'s Helmet, denominated another Sort of Gladiators, *Pinnirapi*, who when engaged with the *Samnites* uſed to catch at thoſe *Pinnæ*, and bear them off in Triumph, as Marks of their Victory. Doctor *Holiday* takes the *Pinnirapus* to be the ſame as the *Retiarius* (*c*).

Lipſius ſuppoſes the *Provocatores*, mentioned by *Cicero* in his Oration for *P. Sextius*, to have been a diſtinct Species, and that they were generally engaged againſt the *Samnites*; though perhaps the Words of *Cicero* may be thought not to imply ſo much.

(*a*) *Annal.* lib. 5. (*b*) *Lib.* 9. (*c*) Illuſtration on *Juvenal*, Sat. 3.

The

The *Hoplomachi*, whom we meet with in *Seneca* (*a*) and *Suetonius* (*b*), may probably be the ſame either with the *Samnites* or *Myrmillones*, called by the *Greek* Name ὁπλομάχοι, as they fought in Armour.

The *Eſſedarii*, mentioned by the ſame Authors (*c*), and by *Tully* (*d*), were ſuch as on ſome Occaſions engaged in Chariots*, though perhaps at other Times they fought on Foot like the reſt. The *Eſſedum* was a Sort of Waggon, from which the *Gauls* and the *Britons* uſed to aſſail the *Romans* in their Engagements with them.

* *Eſſeda.*

The *Anabatæ* or Ἀναβάται fought on Horſe-back, with an Helmet that covered all the Face and Eyes, and therefore *Anabatarum more pugnare* is to combat blindfold.

It will not be poſſible to have a perfect Conception of the Gladiators, unleſs we take in what was done preparative to, and after the Fight, as well as the actual Engagement. When any Perſon deſigned to oblige the People with ſuch an Exhibition, he ſtuck up Bills in the public Places, pointing out the Time, the Number of theſe Gladiators, and other Circumſtances. This they called *Munus pronunciare* or *proponere*; and the *Libelli* or Bills were ſometimes termed *Edicta:* Frequently beſides theſe Bills they hung up great Pictures, repreſenting the Manner of the Engagement, and the Figures of ſome of the moſt celebrated Gladiators, whom they intended ſhould appear. This Cuſtom is elegantly deſcribed by *Horace*, Book 2. Sat. vii. 95.

Vel cum Pauſiaca torpes, inſane tabella;
Qui peccas minus, atque ego; cum Fulvi, Rutubæque
Aut Placideiani contento poplite miror
Prœlia, rubrica picta aut carbone: velut ſi
Revera pugnent, feriant, vitentque moventes
Arma viri?

Or when on ſome rare Piece you wond'ring ſtand,
And praiſe the Colours, and the Maſter's Hand,
Are you leſs vain than I, when in the Street
The painted Canvas holds my raviſh'd Sight?
Where with bent Knees the ſkilful Fencers ſtrive
To ſpeed their Paſs, as if they mov'd alive!
And with new Slights ſo well expreſs'd engage,
That I amaz'd ſtare up, and think them on the Stage.

(*a*) *Controverſ.* lib. 3. (*b*) In *Calig.* 3. (*c*) *Senec.* Epiſt. 39. *Sueton. Calig.* 35. *Claud.* 21. (*d*) *In Epiſtolis.*

On the Day for the Exhibition, preparative to it the Gladiators were brought out, and made a Circuit round the *Arena* in a very ſolemn and pompous Manner. After this they proceeded *paria componere*, to match them by Pairs, in which great Care was taken to match them as equally as poſſible. Before the Combatants engaged, they tried their Dexterity againſt one another with Weapons prepared for the Purpoſe, as the *Rudes*, and the Spears without Heads, the blunted Swords, or Files, and ſuch like. This *Cicero* admirably obſerves: *Si in illo ipſo gladiatorio vitæ certamine, quo ferro decernitur, tamen ante congreſſum multa fiunt, quæ non ad vulnus, ſed ad ſpeciem valere videantur; quanto magis hoc in Oratione expectandum eſt?* "If in the mortal Combats of the *Gladiators*, where the Victory is decided by "Arms, before they actually engage, there are ſeveral "Flouriſhes given, more for a Show of Art than a Deſign "of hurting; how much more proper would this look in the "Contention of an Orator?" This Flouriſhing before the Fight was called in common *Prælufio*, or in reſpect of the Swords only, *Ventilatio*. This Exercife was continued, until the the Trumpets ſounding gave them Notice to prepare for their real Encounters, and then they were ſaid *vertere Arma*.

———*Ita rem natam eſſe intelligo,*
Neceſſum eſt vorſis armis depugnarier. Plaut.

The Terms of ſtriking were *Petere* and *Repetere*; of avoiding a Blow, *exire*. Virg. Æn. v. 438.

Corpore tela modo, atque oculis vigilantibus exit.

When any Perſon received a remarkable Wound, either his Adverſary on the People uſed to cry out, *habet*, or *hoc habet*. This *Virgil* alludes to, *Æneid.* xii. 294.

———*Teloque, orantem multa, trabali*
Deſuper altus equo graviter ferit, atque ita fatur:
Hoc habet: hæc magnis melior data victima divis.

———Him, as much as he pray'd,
With his huge Spear *Meſſapus* deeply ſtruck
From his high Courſer's Back, and chacing ſpoke,
He has it; and to this auſpicious Blow
A nobler Victim the great Gods ſhall owe.

The

The Party who was worſted *ſubmitted his Arms*, and acknowledged himſelf conquered; yet this would not ſave his Life, unleſs the People pleaſed, and therefore he made his Application to them for Pity. The two Signs of Favour and Diſlike given by the People were, *premere Pollicem*, and *vertere Pollicem*, Phraſes which the Critics have quarelled much about to little Purpoſe. But M. *Dacier* ſeems to have been more happy in his Explanation than his Predeceſſors. The former he takes to be a clenching of the Fingers of both Hands between one another, and ſo holding the two Thumbs upright cloſe together. This was done to expreſs their Admiration of the Art and Courage ſhewn by both Combatants, and a Sign to the Conqueror to ſpare the Life of his Antagoniſt, as having behaved remarkably well. Hence *Horace*, to ſignify the extraordinary Commendation that a Man could give to one of his own Temper and Diſpoſition, ſays, Book I. Ep. xviii. 66.

Fautor utroque tuum laudabit pollice ludum.

And *Menander* has δακτύλους πιέζειν, *to preſs the Fingers*, a Cuſtom on the *Grecian* ſtage, deſigned for a Mark of Approbation, equivalent to our Clapping.

But the contrary Motion, or bending back of the Thumbs, ſignified the Diſſatisfaction of the Spectators, and authorized the Victor to diſpatch his Antagoniſt as being a Coward.

——*Verſo pollice vulgi*
Quemlibet occidunt populariter. Juv. Sat. iii. 36.

Where influenc'd by the Rabble's bloody Will,
With Thumbs bent back, they popularly kill.

Beſides this Privilege of the People, the Emperors ſeem to have had the Liberty of ſaving whom they thought fit, when they were preſent at the Solemnity; and perhaps, upon the bare Coming in of the Emperor into the Place of Combat, the Gladiators, who in that Inſtant had the Worſt of it, were delivered from farther Danger.

Cæſaris adventu tuta Gladiator arena
Exit, & auxilium non leve vultus habet. Martial.

Where *Cæſar* comes, the worſted Fencer lives,
And his bare Preſence (like the God's) reprieves.

After the Engagement there were ſeveral Marks of Favour conferred on the Victors, as a Preſent of Money, collected among the Spectators; which *Juvenal* alludes to, *Sat.* 7.

Accipe victori populus quod poſtulat aurum.

——Take the Gains
A conqu'ring Fencer from the Crowd obtains.

But the moſt common Rewards were the *Pileus* and the *Rudis:* The former was given only to ſuch Gladiators as were Slaves, as a Token of their obtaining Freedom. The *Rudis* ſeems to have been beſtowed both on Slaves and Freemen; but with this Difference, that it procured for the former no more than a Diſcharge from any farther Performance in Public, upon which they commonly turned *Laniſtæ*, ſpending their Time in training up young Fencers. *Ovid* calls it *tuta Rudis.*

Tutaque depoſito poſcitur enſe rudis.

But the *Rudis*, when given to ſuch Perſons as, being Free, had hired themſelves out for theſe Shows, reſtored them to a full Enjoyment of their Liberty. Both theſe Sorts of *Rudiarii*, being excuſed from farther Service, had a Cuſtom to hang up their Arms in the Temple of *Hercules*, the Patron of their Profeſſion, and were never called out again without their Conſent. *Horace* has given us a full Account of this Cuſtom in his firſt Epiſtle to *Mæcenas:*

Prima dicte mihi, ſumma dicende camœna.
Spectatum ſatis & donatum jam rude, quæris,
Mæcenas, iterum antiquo me includere ludo.
Non eadem eſt etas, non mens. Vejanius, armis
Herculis ad poſtem fixis, latet abditus agro;
Ne populum extrema toties exoret arena.

Mæcenas, you whoſe Name and Title grac'd
My early Labours, and ſhall crown my laſt;
Now, when I've long engag'd with wiſh'd Succeſs,
And, full of Fame, obtain'd my Writ of Eaſe;
While ſprightly Fancy ſits with heavy Age,
Again you'd bring me on the doubtful Stage.

Yet

Yet wiſe *Vejanius*, hanging up his Arms
To *Hercules*, yon little Cottage farms;
Leſt he be forc'd, if giddy Fortune turns,
To cringe to the vile Rabble, whom he ſcorns.

The learned *Dacier*, in his Obſervation on this Place, acquaints us, That it was a Cuſtom for all Perſons, when they laid down any Art, or Employment, to conſecrate the proper Inſtruments of their Calling, to the particular Deity, who was acknowledged the Preſident of that Profeſſion. And therefore the Gladiators, when thus diſcharged, hung up their Arms to *Hercules*; who had a Chapel by every Amphitheatre; and where there were no Amphitheatres, in the *Circo*'s: And over every Place aſſigned to ſuch manly Exerciſes, there ſtood a *Hercules* with his Club.

We may take Leave of the *Gladiators* with this excellent Paſſage of *Cicero*, which may ſerve in ſome Meaſure as an Apology for the Cuſtom. *Crudele Gladiatorum ſpectaculum & inhumanum nonnullis videri ſolet: & haud ſcio an non ita ſit, ut nunc fit: cum vero ſontes ferro depugnabant, auribus fortaſſe multæ, oculis quidem nulla poterat eſſe fortior contra dolorem & mortem diſciplina* (*a*). "The Shows of *Gladiators* may poſ-"ſibly to ſome Perſons ſeem barbarous and inhuman: And "indeed, as the Caſe now ſtands, I cannot ſay that the "Cenſure is unjuſt: But in thoſe Times, when only guilty "Perſons compoſed the Number of Combatants, the Ear "perhaps might receive many better Inſtructions; but it "is impoſſible that any Thing, which affects our Eyes, "ſhould fortify us with more Succeſs againſt the Aſſaults of "Grief and Death.

(*a*) *Tuſcul. Queſt.* 2.

CHAP. V.

Of the LUDI SCENICI, *or Theatrical Entertainments: And firſt of the Satires, and the Mimic-Pieces, with the Riſe and Progreſs of ſuch Entertainments among the* ROMANS.

THE *LUDI SCENICI*, or Theatrical Entertainments, have been commonly divided into four Species; Satire, Mimic, Tragedy, and Comedy. The elder *Scaliger* will have Satire to have proceeded from Tragedy, in the ſame Manner as the *Mimus* from Comedy: But we are aſſured this was in Uſe at *Rome*, long before the more perfect Drama's had gained a Place on the Stage. Nor has the ſame excellent Critic been more happy in tracing the Original of this Piece of Poetry as far as *Greece:* For we cannot ſuppoſe it to bear any Reſemblance to the Chorus, or Dance of *Satires*, which uſed to appear in the Theatres at *Athens*, as an Appendage to ſome of their Tragedies, thence called Satyrique. This Kind of *Greek* Farce was taken up purely in the Characters of Mirth and Wantonneſs, not admitting thoſe ſarcaſtical Reflections, which were the very Eſſence of the *Roman* Satire. Therefore *Caſaubon* and *Dacier*, without any Alluſion to *Greece*, make no Doubt but that the Name is to be derived from *Satura*, a *Roman* Word, ſignifying *full*: The *u* being changed into an *i*; after the ſame Manner as *optumus* and *maxumus* were afterwards ſpelled *optimus* and *maximus*. *Satura*, being an Adjective, muſt be ſuppoſed to relate to the Subſtantive *Lanx*, a Diſh, ſuch as they filled yearly with all Sorts of Fruit, and offered to the Gods at their Feſtivals, as the *Primitiæ*, or firſt Gatherings of the Seaſon. Such an Expreſſion might be well applied to this Kind of Poetry, which was full of various Matter, and written on different Subjects, and of this Manner of Writing there are many Inſtances; as particularly *per Saturam Sententias exquirere*, is uſed by *Salluſt*, to ſignify the Way of voting in the Senate, when neither the Members were told, nor the Voices counted, but all gave their Suffrages promiſcuouſly, and without obſerving any Order. And the *Hiſtoriæ Saturæ*, or *per Saturum*, of *Feſtus*, were nothing elſe but miſcellaneous Tracts of Hiſtory. The Original of

of the *Roman* Satire will lead us into the Knowledge of the firſt, and rude Eſſays towards Dramatic Poetry, in the ruſtic Ages of *Rome*; for which we are beholden to the accurate Reſearch of *Dacier*, and the Improvement of him by Mr. *Dryden*.

During the Space of almoſt four hundred Years from the Building of the City, the *Romans* had not any Acquaintance with the Entertainments on the Stage, Chance and Jollity firſt found out thoſe Verſes which they called *Saturnian*, becauſe they ſuppoſed ſuch to have been in Uſe under *Saturn*, and *Feſcennine*, from *Feſcennia*, a Town in *Tuſcany*, where they were firſt practiſed. The Actors of theſe Pieces, with a groſs and ruſtic Kind of Raillery, reproached one another *extempore* with their Failings; ſometimes taking in thoſe of the Audience. Something of this Cuſtom was afterwards retained in their *Saturnalia*, or Feaſts of *Saturn*, celebrated in *December*: At leaſt all Kind of Freedom of Speech was then allowed to Slaves, even againſt their Maſters: and we at this Day have ſome Imitation of it in our *Chriſtmas Gambols*. We cannot have a better Conception of this rude and unpoliſhed Kind of Farce, than by imagining a Company of Clowns on a Holiday dancing in their ruſtic Manner, and joking with each other ſatyrically in *extempore* Doggrel, on their Defects and Vices, and the Stories that were told of them at their Places of Meeting.

This rude Kind of Poetry was uſed in the Place of Repreſentations on the Stage, for the Space of an hundred and twenty Years: But then, when their Manners became ſomewhat improved, and they began to taſte the firſt Rudiments of civil Converſation, they left theſe rude Notes for another Sort of Verſe ſomewhat more poliſhed, which was alſo filled with pleaſant Raillery, but without any Mixture of Obſcenity. This new Species of Poetry appeared under the Name of Satire, becauſe of its Variety, and was adorned with Compoſitions of Muſic, and with Dances.

When *Livius Andronicus*, about the Year of *Rome* 514, had introduced the new Entertainments of Tragedy and Comedy, the People neglected and abandoned their old Diverſion of Satires: But, not long after, they took them up again, and then joined them to their Comedies, exhibiting them at the End of the *Drama*; as the *French* continue at this Day to act their Farces in the Nature of a ſeparate Repreſentation from their Tragedies.

A Year

A Year after *Andronicus* had opened the *Roman* Stage with his new Drama's, *Ennius* was born; who when he was grown to Man's Eſtate, having ſeriouſly conſidered the Genius of the People, and how eagerly they followed the firſt Satires, thought it would be worth his while to refine upon the Project, and to write Satires, not to be acted on the Theatre, but read The Event was anſwerable to his Expectation, and his Deſign being improved by *Pacuvius*, adorned with a more graceful Turn by *Lucilius*, and advanced to its full Height by *Horace*, *Juvenal*, and *Perſius*, grew into a diſtinct Species of Poetry, and has ever ſince met with a moſt kind Reception. To the ſame Original we owe the other Kind of Satire, called *Varronian*, from the learned *Varro*, who firſt compoſed it. This was written freely, without any Reſtraint to Verſe or Proſe, but conſiſted of an Intermixture of both; of which Nature are the *Satyricon* of *Petronius*, *Seneca*'s mock Deification of the Emperor *Claudius*, and *Boethius*'s Conſolations.

As for the *Mimus*, from Μιμεῖσθαι *to imitate*, *Scaliger* defines it to be, *a Poem imitating any Sort of Actions, ſo as to make them appear ridiculous* (*a*). The Original of it he refers to the Comedies, in which, when the Chorus went off the Stage, they were ſucceeded by a Sort of Actors, who diverted the Audience for ſome Time with diſtorted Poſtures, and antic Dances. They were not maſked, but had their Faces beſmeared with Soot, and dreſſed themſelves in Lamb-Skins, which are called *Peſcia* in the old Verſes of the *Salii*. They wore Garlands of Ivy, and carried Baſkets full of Herbs and Flowers in honour of *Bacchus*, as had been obſerved in the firſt Inſtitution of the Cuſtom at *Athens*. They acted always bare-foot, and were thence called *Planipedes*.

Theſe Diverſions being received with univerſal Applauſe by the People, the Actors were encouraged to model them into a diſtinct Entertainment from the other Plays, and preſented them by themſelves. And perhaps it was not until now, that they undertook to write ſeveral Pieces of Poetry with the Name of *Mimi*, repreſenting an imperfect Sort of *Drama*, not divided into Acts, and performed only by a ſingle Perſon. Theſe were a very frequent Entertainment of the *Roman* Stage, long after Tragedy and Comedy had been advanced to their full Height, and ſeemed to have always been very well received.

(*a*) *De Re Poet.* lib. 1 cap. 10.

The

The two moſt celebrated Mimics, or *Pantomimi*, as they were called were *Laberius* and *Publius*, both cotemporary to *Julius Cæſar*. *Laberius* was of the Equeſtrian Rank, and, at threeſcore Years of Age, acted mimic Pieces of his own compoſing, in Games which *Cæſar* preſented to the People; for which he received a Reward of five hundred *Seſtertia*, and a Gold Ring, and ſo recovered the Honour which he had forfeited by performing on the Stage (*a*). *Macrobius* has given us Part of a Prologue of this Author, wherein he ſeems to complain of the Obligations which *Cæſar* laid on him to appear in the Quality of an Actor, ſo contrary to his own Inclinations, and to the former Courſe of his Life. Some of them, which may ſerve for a Specimen of his Wit and Style, are as follow:

Fortuna immoderata in bono æque atque in malo,
Si tibi erat libitum literarum laudibus
Floris cacumen noſtræ famæ frangere,
Cur, cum vigebam membris præviridantibus,
Satisfacere populo & tali cum poteram viro,
Non flexibilem me concurvaſti ut carperes?
Nunc me quo dejicis? Quid ad ſcenam affero?
Decorum formæ, an dignitatem corporis?
Animi virtutem, an vocis jucundæ ſonum?
Ut hedera ſerpens vires arboreas necat;
Ita me vetuſtas amplexu annorum enecat.
Sepulchri ſimilis, nihil niſi nomen retineo.

Horace indeed expreſly taxes his Compoſures with Want of Elegance (*b*): But *Scaliger* (*c*) thinks the Cenſure to be very unjuſt; and that the Verſes cited by *Macrobius* are much better than thoſe of *Horace*, in which this Reflection is to be found.

There exiſts a ſharp Repartee of the ſame *Laberius* upon *Tully*, when, upon receiving the Gold-ring from *Cæſar*, he went to reſume his Seat among the Knights: They, out of a Principle of Honour, ſeemed very unwilling to receive him; *Cicero* particularly told him, as he paſſed by, that indeed he was ſqueezed up already himſelf. No Wonder (ſays *Laberius*) that you, who commonly make uſe of two Seats at once, fancy yourſelf ſqueezed up, when you ſit like

(*a*) *Suet.* in *Jul.* cap. 39. *Macrob. Saturn* lib. 2. cap. 7. (*b*) *Lib.* 1. *Sat.* 10. (*c*) *De Re Poet.* lib. 1. cap. 10.

other

other People. A ſevere Sarcaſm on the Double-dealing of the Orator (*a*).

Publius was a *Syrian* by Birth, but received his Education at *Rome* in the Condition of a Slave. Having by ſeveral Specimens of Wit obtained his Freedom, he applied himſelf to write mimic Pieces, and acted them with wonderful Applauſe through *Italy*. At laſt, being brought to *Rome*, to bear a Part in *Cæſar*'s Plays, he challenged all the Dramatic Writers and Actors, and won the Prize from them all, *Laberius* himſelf not excepted (*b*). A Collection of Sentences taken out of his Works is ſtill extant. *Joſeph Scaliger* gave them a very high Encomium, and thought it worth his while to turn them into *Greek*.

(*a*) *Macrob. Saturn.* lib. 2. cap. 7. (*b*) *Idem.* lib. 2. cap. 7.

CHAP. V.

Of the ROMAN *Tragedy and Comedy.*

THE *Roman* Tragedy and Comedy were wholly borrowed from the *Grecians*, and therefore do not ſo properly fall under the preſent Deſign: Yet in order to a right underſtanding of theſe Pieces, there is ſufficient Matter for our Enquiry, without being obliged for it to *Athens*. The Parts of which a Play ſhould conſiſt, as agreed on by antient and modern Writers, are theſe four: Firſt, the *Protaſis*, or Entrance, which only gives Light to the Characters of the Perſons, and proceeds very little to any Part of the Action. Secondly, the *Epitaſis*, or working up of the Plot, where the Plot thickens; the Cataſtrophe is drawing on, and you perceive ſomething promiſing what is to be given. Thirdly, the *Cataſtaſis*, or, in a *Roman* Word, the *Status*, the Height and full Growth of the Play: This may properly be called the Counter-turn, which deſtroys that Expectation, embroils the Action in new Difficulties, and leaves us far diſtant from that Hope in which it found us. Laſtly, the *Cataſtrophe*, or λύσις, the Diſcovery, or unravelling of the Plot. Here we ſee all Things ſettling again on their firſt Foundations; and the Obſtacles which hindred the Deſign

or

or Action of the Play removed, it ends with that Resemblance of Truth and Nature which constitutes the Merit of such Pieces (*a*). It is a Question whether the first *Roman Drama*'s were divided into Acts; or at least it seems probable, that those were not admitted into Comedy, until after it had lost its Chorus, and so stood in need of some more necessary Divisions than could be made by the Music only. Yet the five Acts were so fully established in the Time of *Horace*, that he gives it for a Rule. *Ars Poet.* 189.

> *Neve minor, neu sit quinto productior actu*
> *Fabula.*

The Distinction of the Scenes seems to have been an Invention of the Grammarians, and is not to be found in the old Copies of *Plautus* and *Terence*; and therefore these are wholly left out in the late excellent *French* and *English* Translations.

The *Drama*'s presented at *Rome*, were divided in general into *Palliatæ* and *Togatæ*, *Græcian*, and properly *Roman*. In the former, the Plot being laid in *Greece*, the Actors were habited according to the Custom of that Country; in the other, the Persons were supposed to be *Romans*. But then the Comedies properly *Roman* were of several Sorts: *Prætextatæ*, when the Actors were supposed to be Persons of Quality, such as had the Liberty of wearing the *Prætexta*, or Purple Gown: *Tabernariæ*, when the *Tabernæ*, low ordinary Buildings, were expressed in the Scenes, the Persons being of the lower Rank. *Suetonius* (*b*) informs us, that *C. Melissus*, in the Time of *Augustus*, introduced a new Sort of *Togatæ*, which he called *Trabeatæ*. Monsieur *Dacier* is of Opinion, that they were wholly taken up in Matters relating to the Camp, and that the Persons represented were some of the chief Officers (*c*): For the *Trabea* was the proper Habit of the Consul, when he set out on an Expedition. There was a Species of Comedy different from both these, and more inclining to Farce, which they called *Atellana* from *Atella*, a Town of the *Oscians* in *Campania*, where it was first invented. The chief Design of it was Mirth and Jesting, (though sometimes with a Mixture of Debauchery, and lascivious Postures;) and therefore the Actors were not reckoned among *Histriones*, or common Players, but kept the Benefit of their Tribe, and might be enlisted for Soldiers, a Privilege

(*a*) *Mr.* Dryden's *Dramat. Essay.* (*b*) *De Claris Grammat.* 21. (*c*) *Not.* on *Horace*'s *Art. Poet.*

allowed

allowed only to Freemen. Sometimes perhaps the *Atellanæ* were preſented between the Acts of other Comedies, by Way of *Exodium*, or Interlude: As we meet with *Exodium Atellanicum* in *Suetonius* (*a*).

Though all the Rules by which the *Drama* is practiſed at this Day, either thoſe which relate to the Juſtneſs and Symmetry of the Plot, or the Epiſodical Ornaments, ſuch as Deſcriptions, Narrations, and other Beauties not eſſential to the Play, were delivered to us by the Antients, and the Judgments which we make, of all Performances of this Kind, are guided by their Examples and Directions; yet there are ſeveral Things belonging to the old Dramatic Pieces, which not being eſſential, have been long diſuſed. Of this Sort we may mention, as particularly worth our Obſervation, the Buſkin and the Sock, the Maſques, the Chorus, and the Flutes.

The *Cothurnus* and the *Soccus* were ſuch eminent Marks of Diſtinction between the old Tragedy and Comedy, that they were brought not only to ſignify thoſe diſtinct Species of Dramatic Poetry, but to expreſs the ſublime and the humble Style in any other Compoſition: As *Martial* calls *Virgil Cothurnatus*, though he never wrote Tragedy.

Grande Cothurnati pone Maronis opus.

This *Cothurnus* is thought to have been a high Sort of Boot, which made the Actors appear above the ordinary Size of Mortals, ſuch as they ſuppoſed the old Heroes to have generally been; and at the ſame Time, allowing them to move but ſlowly, was well accommodated to the State and Gravity which Subjects of that Nature required. Yet it is plain they were not in uſe only on the Stage; for *Virgil* brings in the Goddeſs *Venus* in the Habit of a *Tyrian* Maid, telling *Æneas*, i. 340.

Virginibus Tyriis mos eſt geſtare pharetras,
Purpureoque alte ſuras vincire cothurno.

From which it appears, that the Hunters ſometimes wore Buſkins to ſecure their Legs: But then we muſt ſuppoſe them to be much lighter and better contrived than the other, that they might not prevent the Swiftneſs and Agility re-

(*a*) *Tiber.* 45.

quired

quired in that Sport. The Women in ſome Parts of *Italy* ſtill wear a Sort of Shoes, or rather Stilts, ſomewhat like theſe Buſkins, which they call *Cioppini*: *Laſſels* informs us, that he had ſeen them at *Venice* a full half-yard High.

The *Soccus* was a ſlight Kind of Covering for the Feet, whence the Faſhion and Name of our Socks are derived. The *Comedians* wore thoſe, to repreſent the Vility of the Perſons they repreſented; as debauched young Sparks, old crazy Miſers, Pimps, Paraſites, Strumpets, and the like; for the Sock being proper to the Women, as it was very light and thin, was always counted ſcandalous when worn by Men. Thus *Seneca* (*a*) exclaims againſt *Caligula* for ſitting to judge upon Life and Death in a rich Pair of Socks, adorned with Gold and Silver.

Another Reaſon why they were uſed by the Actors of Comedy, might be, becauſe they were the fitteſt for Dancing. Thus *Catullus* invokes *Hymen* the Patron of Weddings: lxi. 9.

Huc veni niveo gerens
Luteum pede ſoccum,
Excituſque hilari die,
Nuptialia concinens
Voce carmina tinnula,
Pelle humum pedibus———

The *Perſona*, or Maſk, *A. Gellius* (*b*) derives (according to an old Author) from *Perſono*, to ſound loud; becauſe theſe Vizards being put over the Face, and left open at the Mouth, rendered the Voice much fuller, by contracting it into a leſſer Compaſs. But *Scaliger* will not allow of this Conjecture. However the Reaſon of it (which is all that concerns us at preſent) appears from all the old Figures of the Maſks, in which we find always a very large wide Hole deſigned for the Mouth. Madam *Dacier*, who met with the Draughts of the comic Vizards in a very old Manuſcript of *Terence*, informs us, that they were not like ours, which cover only the Face; but that they came over the whole Head, and had always Hair faſtened on them, proper to the Perſon whom they were to repreſent.

The Original of the Maſk is referred by *Horace* to *Æſchylus*; whereas before, the Actors had no other Diſguiſe,

(*a*) *Benefic.* lib. ii. cap. 12. (*b*) *Noct.* lib. v. cap. 7.

but

but to ſmear over their Faces with odd Colours; and yet this was ſuitable enough, when their Stage was no better than a Cart.

Ignotum Tragicæ genus inveniſſe Camœnæ
Dicitur, & plauſtris vexiſſe Poemata Theſpis:
Quæ canerent agerentque peruncti fæcibus ora.
Poſt hunc perſonæ pallæque repertor honeſtæ
Æſchylus, & modicis inſtravit pulpita tignis;
Et docuit magnumque loqui, nitique Cothurno. Ars Poet. 175.

When *Theſpis* firſt expoſed the Tragic Muſe,
Rude were the Actors, and a Cart the Scene;
Where ghaſtly Faces, ſtain'd with Lees of Wine,
Frighted the Children, and amus'd the Crowd.
This *Æſchylus* (with Indignation) ſaw,
And built a Stage; found out a decent Dreſs;
Brought Vizards in, (a civiler Diſguiſe;)
And taught Men how to ſpeak, and how to act.

ROSCOMMON.

The *Chorus*, *Hedelin* defines to be a Company of Actors, repreſenting the Aſſembly or Body of thoſe Perſons, who either were preſent, or probably might be ſo, at the Place where the Buſineſs was ſuppoſed to be tranſacted. This is exactly obſerved in the four *Grecian* Dramatic Poets, *Æſchylus*, *Sophocles*, *Euripides* and *Ariſtophanes:* But the only *Latin* Tragedies which remain under the Name of *Seneca*, as they are faulty in many Reſpects, ſo particularly are they in the *Chorus*'s; for ſometimes they hear all that is ſaid upon the Stage, ſee all that is done, and ſpeak very properly to all; at other Times one would think they were blind, deaf, or dumb. In many of theſe *Drama*'s, one can hardly tell whom they repreſent, how they were dreſſed, the Occaſion of their appearing on the Stage, or why they are of one Sex more than of another. Indeed the Verſes are fine, full of Thought, and over-loaded with Conceit; but may in moſt Places be very well ſpared, without ſpoiling any Thing either in the Senſe or the Repreſentation of the Poem. Beſides, the *Thebais* has no *Chorus* at all; which may give us Occaſion to doubt of what *Scaliger* affirms ſo poſitively, that Tragedy was never without *Chorus*'s. For it ſeems probable enough, that in the Time of the debauched and looſe Emperors, when Mimics and Buffoons came in for Interludes to Tragedy as well as Comedy, the *Chorus* ceaſed by Degrees to be a Part of the Dramatic

Dramatic Poem, and dwindled into a Troop of Muſicians and Dancers, who marked the Intervals between the Acts.

The Office of the *Chorus* is thus excellently deſcribed by *Horace:* De Art. Poet. 193.

Actoris partes Chorus officiumque virile
Defendat: neu quid medios intercinat actus,
Quod non propoſito conducat & hæreat apte.
Ille bonis faveatque & concilietur amicis,
Et regat iratos, & amet peccare timentes;
Ille dapes laudet menſæ brevis; ille ſalubrem
Juſtitiam, legeſque & apertis otia portis:
Ille tegat commiſſa; deoſque precetur & oret,
Ut redeat miſeris, abeat fortuna ſuperbis.

A *Chorus* ſhould ſupply what Action wants,
And has a generous and manly Part;
Bridles wild Rage, loves rigid Honeſty,
And ſtrict Obſervance of impartial Laws,
Sobriety, Security, and Peace;
And begs the Gods to turn bright Fortune's Wheel,
To raiſe the Wretched, and pull down the Proud:
But nothing muſt be ſung between the Acts
But what ſome Way conduces to the Plot.

ROSCOMMON.

This Account is chiefly to be underſtood of the *Chorus* of Tragedies: Yet the old Comedies, we are aſſured, had their *Chorus*'s too, as appears in *Ariſtophanes*; where, beſides thoſe compoſed of ordinary Perſons, we meet with one of Clouds, another of Frogs, and a third of Waſps; but all very conformable to the Nature of the Subject, and extremely groteſque.

It would be foreign to our preſent Purpoſe, to trace the Original of the *Chorus*, and to ſhew how it was regulated by *Theſpis*, (generally honoured with the Title of the firſt Tragedian;) whereas before it was nothing elſe but a Company of Muſicians ſinging and dancing in Honour of *Bacchus*. It may be more uſeful to obſerve how it came, after ſome Time, to be left out in Comedy, as in that of the *Romans*. *Horace* ſays it was occaſioned by the Malignity and ſatirical Humour of the Poets; for they made the *Chorus*'s abuſe

People ſo ſeverely, and openly that the Magiſtrates were obliged to forbid them. De Art. Poet. 283.

——— *Choruſque*
Turpiter obticuit, ſublato jure nocendi.

But perhaps, if the Rules of Probability had not ſeconded this Prohibition, the Poets would have preſerved their *Chorus*, reforming the Scurrility of it. Therefore a farther Reaſon may be offered for this Alteration. Comedy took its Model and Conſtitution from Tragedy; and when the Abuſe of living Perſons was prohibited, they invented new Subjects, which they formed on the Rules of Tragedy; but as they were under the neceſſity to paint the Actions of the Vulgar, and conſequently confined to mean Events, they generally choſe the Place of their Scene in ſome Street, before the Houſes of thoſe whom they ſuppoſed were concerned in the Plot: Now it was not very likely that there ſhould be ſuch a Company in thoſe Places, managing an Intrigue of inconſiderable Perſons from Morning until Night. Thus Comedy of itſelf let fall the *Chorus*, which it could not preſerve with any Probability.

The *Tibiæ*, or Flutes, are as little underſtood as any particular Subject of Antiquity; and yet without the Knowledge of them we can make nothing of the Titles prefixed to *Terence*'s Comedies *Horace* gives us no farther Light into this Matter, than by obſerving the Difference between the ſmall rural Pipe, and the larger and louder Flute, afterwards brought into Uſe: However, his Account is not to be omitted: Ars Poet. 202.

Tibia non, ut nunc, orichalco vincta, tubæque
Æmula; ſed tenuis ſimplexque foramine pauco,
Adſpirare, & adeſſe choris erat utilis, atque
Nondum ſpiſſa nimis complere ſedilia flatu:
Quo ſane populus numerabilis, utpote parvus,
Et frugi, caſtuſque, verecunduſque coibat.
Poſtquam cœpit agros extendere victor, & urbem
Latior amplecti murus, vinoque diurno
Placari Genius feſtis impune diebus;
Acceſſit numeriſque modiſque licentia major.
Indoctus quid enim ſaperet, liberque laborum
Ruſticus, urbano confuſus, turpis honeſto?

Sic

Sic priſcæ motumque & luxuriam addidit arti
Tibicen, traxitque vagus per pulpita veſtem.

Firſt the ſhrill Sound of a ſmall rural Pipe
(Not loud like Trumpets, nor adorn'd as now)
Was Entertainment for the Infant Stage,
And pleas'd the thin and baſhful Audience
Of our well-meaning frugal Anceſtors.
But, when our Walls and Limits were enlarg'd,
And Men (grown wanton by Proſperity)
Studied new Arts of Luxury and Eaſe,
The Verſe, the Muſic, and the Scenes improv'd;
For how ſhould Ignorance be Judge of Wit?
Or Men of Senſe applaud the Jeſts of Fools?
Then came rich Clothes and graceful Action in,
And Inſtruments were taught more moving Notes.

ROSCOMMON.

This Relation, though very excellent, cannot obviate the main Difficulty; and that is, to give the proper Diſtinction of the Flutes, according to the ſeveral Names under which we find them; as the *Pares* and *Impares*, the *Dextræ* and *Siniſtræ*, the *Lydiæ*, the *Sarranæ*, and the *Phrygiæ*. Moſt of the eminent Critics have made ſome Eſſays towards the clearing of this Subject, particularly *Scaliger*, *Aldus Manutius*, *Salmaſius*, and *Tanaquillus Faber*; from whoſe Collections, and her own admirable Judgment, Madam *Dacier* has lately given us a very rational Account of the Matter. The Performers (ſays ſhe) played always on two Flutes the whole Time of the Comedy: That, which they ſtopped with their Right-hand, was on that Account called Right-handed: and that which they ſtopped with their Left, Left-handed: The firſt had but a few Holes, and ſounded a deep Baſe; the other had a great Number, and gave a ſhriller and ſharper Note. When the Muſicians played on two Flutes of different Sounds, they uſed to ſay the Piece was played *Tibiis imparibus*, with *unequal Flutes*, or *Tibiis dextris & ſiniſtris*, with *right* and *left-handed Flutes*. When they played on two Flutes of the ſame Sound, they uſed to ſay the Muſic was performed *Tibiis paribus dextris*, on *equal right-handed Flutes*, if they were of the deeper Sort; or elſe *Tibiis paribus ſiniſtris*, on *equal left-handed Flutes*, if they were thoſe of the ſhriller Tone.

Two equal right-handed Flutes they called *Lydian*; two equal left-handed ones, *Sarranæ*, or *Tyrian*; two unequal Flutes, *Phrygian*, as being Imitations of the Muſic of thoſe Countries: The laſt Sort *Virgil* expreſly attributes to the *Phrygians*, Æneid ix. 618.

O vere Phrygiæ, neque enim Phryges! ite per alta
Dindyma, ubi aſſuetis biforem dat Tilia cantum.

Where, by *biforem cantum*, the Commentators underſtand a double Sound, ſuch as was made by two different Pipes, one flat, and the other ſharp.

The Title of *Terence*'s *Andria* cannot be made out according to this Explanation, unleſs we ſuppoſe (as there is very good Reaſon) that the Muſic ſometimes changed in the acting of a Play, and at the proper Intervals two right-handed or two left-handed Flutes might be uſed.

Our late ingenious Tranſlators of *Terence* are of a different Opinion from the *French* Lady, when they render *Tibiis paribus dextris & ſiniſtris*, *two equal Flutes, the one right-handed, and the other left-handed*; whereas the Muſic ſhould ſeem rather to have been performed all along on two equal Flutes, ſometimes on two right-handed, and ſometimes on two left-handed.

Old *Donatus* would have us believe, that the right-handed or *Lydian* Flutes denoted the more ſerious Matter and Language of the Comedy; that the left-handed, or *Sarranæ*, were proper to expreſs the lightneſs of a more jocoſe Style; and that, when a right-handed Flute was joined with a left-handed, it gave us to underſtand the Mixture of Gravity and Mirth in the ſame Play. But ſince the Title of the *Heautontimoroumenos*, or *Self-tormenter*, informs us, that the Muſic was performed the firſt Time of acting on unequal Flutes, and the ſecond Time on right-handed Flutes, we cannot agree with the old Scholiaſt, without ſuppoſing the ſame Play at one Time to be partly ſerious, and partly merry, and at another Time to be wholly of the graver Sort; which would be ridiculous. Therefore the ingenious Lady happily advanceth a very fair Opinion, that the Muſic was not guided by the Subject of the Play, but by the Occaſion on which it was preſented. Thus in the Pieces which were acted at Funeral Solemnities, the Muſic was performed on two right-handed Flutes, as the moſt grave and melancholy:

choly: In thoſe acted on any joyful Occaſion, the Muſic conſiſted of two left-handed Flutes, as the briſkeſt and moſt lively: But in the great Feſtivals of the Gods, which participated of an equal Share of Mirth and Religion, the Muſic in the Comedies was performed with unequal Flutes, the one right-handed, and the other left-handed; or elſe by Turns, ſometimes on two right-handed Flutes, and ſometimes on two left-handed, as may be judged of *Terence*'s fair *Andrian*.

If any thing more deſerves our Notice in Relation to the *Roman Drama*'s, it is the remarkable Difference between their Actors and thoſe of *Greece*. For at *Athens* the Actors were generally Perſons of good Birth and Education, for the moſt Part Orators or Poets of the firſt Rank. Sometimes we find Kings themſelves performing on the Theatres; and *Cornelius Nepos* aſſures us, that to appear on the public Stage was not in the leaſt injurious to any Man's Character or rank (*a*).

But in *Rome* we meet with a quite contrary Practice: For the *Hiſtriones* (ſo called from *Hiſter*, ſignifying a Player in the Language of the *Tuſcans*, from whom they were firſt brought to *Rome* to appeaſe the Gods in Time of a Plague) were the moſt ſcandalous Company imaginable; none of that Profeſſion being allowed the Privilege to belong to any Tribe, or ranked any higher than the Slaves. However, if any of them happened at the ſame Time to be excellent Performers and Men of good Morals, they ſeldom failed of the Eſteem and Reſpect of the chief Perſons in the Commonwealth. This is evident from the Account we have in Hiſtory of the admirable *Roſcius*, of whom *Tully*, his familiar Friend, has left this laſting Commendation: *Cum artifex ejuſmodi ſit, ut ſolus dignus videatur eſſe, qui in Scena ſpectetur; tum vir ejuſmodi ut eſt ſolus dignus videatur qui eo non accedat* (*b*). So accompliſhed a Performer, that he excelled all thoſe who had Abilities for the Stage; and yet at the ſame Time ſo excellent a Man in all other Reſpects, that he ſeemed the only Perſon who ſhould not take up that Profeſſion.

(*a*) *In Præfat. Vit.* (*b*) *Pro* Quinct.

CHAP. VII.

Of the Sacred, Votive, and Funeral Games.

THE ſacred Games, which were inſtituted in Honour of their ſeveral Deities, are divided into many Kinds, which are frequently mentioned in Hiſtory of which ſhall be given the following ſhort Deſcription.

The *LUDI MEGALENSES* were inſtituted in Honour of the great Goddeſs, or the Mother of the Gods, when her Statue was brought with ſo much Pomp from *Peſſinum* to *Rome*. They conſiſted only of Scenical Sports, and were a ſolemn Time of Invitation to Entertainments among Friends. In the ſolemn Proceſſion the Women danced before the Image of the Goddeſs; and the Magiſtrates appeared in their Robes; whence came the Phraſe of *Purpura Megalenſis*, They laſted ſix Days, from the Day before the Nones of *April*, to the Ides. At firſt they ſeem to have been called the *Megalenſia*, from μέγας, *great*, and afterwards to have loſt the *n*; ſince we find them more frequently under the Name of *Megaleſia*. It is particularly remarkable in theſe Games, that no Servant was allowed to bear a Part in the Celebration.

The *LUDI CEREALES* were inſtituted in Honour of *Ceres*, and borrowed from *Eleuſis* in *Greece*. In theſe Games the Matrons repreſented the Grief of *Ceres*, after ſhe had loſt her Daughter *Proſerpine*, and her Travels to find her again. They were held from the Day before the *Ides* of *April*, eight Days together in the *Circus*; where, beſides the Combats of Horſemen, and other Diverſions, was led up the *Pompa Circenſis*, or *Cerealis*, conſiſting of a ſolemn Proceſſion of the Perſons that were to engage in the Exerciſes, accompanied by the Magiſtrates and Ladies of Quality; the Statues of the Gods, and of famous Men, being carried in State on Waggons, which they called *Thenſæ*.

LUDI FLORALES, ſacred to *Flora*, and celebrated (upon Advice of the *Sibylline* Oracles) every Spring, to beg a Bleſſing on the Graſs, Trees, and Flowers. Moſt have been of Opinion that they owed their Original to a famous Courtezan who, having gained a great Eſtate, left the Common-

wealth

wealth her Heir, with this Injunction, that every Year they ſhould celebrate her birth Day with public Sports. The Magiſtrates, to avoid ſuch a Scandal, and at the ſame Time keep their Promiſe, held the Games on the Day appointed, but pretended that it was done in the Honour of a new Goddeſs, the Patroneſs of Flowers. Whether this Conjecture be true or no, we are certain that chief Part of the Solemnity was conducted in a very indecent manner. Yet, the wiſeſt and graveſt *Romans* were not for diſcontinuing this Cuſtom, though ſo contrary to their own Practice: For *Portius Cato*, when he was preſent at theſe Games, and ſaw the People aſhamed to let the Ceremony go on while he was there, immediately went out of the Theatre, that the Show might have its Courſe (*a*). Learned Men are now agreed, that the vulgar Notion of *Flora*, is purely a Fiction of *Lactantius*, from whom it was taken. *Flora* appears to have been a *Sabine* Goddeſs; and the *Ludi Florales* to have been inſtituted *A. U. C.* 613, with the Fines of many Perſons then convicted of the *Crimen Peculatus*, for appropriating to themſelves the public Land of the State (*b*).

LUDI MARTIALES, inſtituted to the Honour of *Mars*, and held twice in the Year, on the 4th of the Ides of *May*, and again on the Kalends of *Auguſt*, the Day on which his Temple was conſecrated. They had no particular Ceremonies that we can meet with, beſides the ordinary Sports in the *Circus*, and Amphitheatre.

LUDI APOLLINARES, celebrated in Honour of *Apollo*. They owe their Origin to an old prophetical Sort of a Poem caſually found, in which the *Romans* were adviſed, that, if they deſired to drive out the Enemies which infeſted their Borders, they ſhould inſtitute yearly Games to *Apollo*, and at the Time of their Celebration make a Collection out of the public and private Funds, for a Preſent to the God; appointing ten Men to take Care they were held with the ſame Ceremonies as in *Greece* (*c*). *Macrobius* relates, that the firſt Time theſe Games were kept, an Alarm being given by the Enemy, the People immediately marched out againſt them, and, during the Fight, ſaw a Cloud of Arrows diſcharged from the Sky on the adverſe

(*a*) *Valer. Maxim.* lib. 2. cap. 5. *Theſaur. A. R.* (*b*) *Vid.* Græv. *Præfat. ad* 1 *Tom.* (*c*) *Liv.* lib. 24.

Troops, ſo as to put them into a very diſorderly Flight, and ſecured the Victory to the *Romans* (*a*). The People ſat to ſee the *Circenſian* Plays, crowned with Laurel; the Gates were ſet open, and the Day kept ſacred with all Manner of Ceremonies. Theſe Games at firſt were not fixed, but kept every Year upon what Day the *Prætor* thought fit; till about the Year of the City 545, a Law paſſed to ſettle them for ever on a conſtant Day, which was near the Nones of *July*. This Alteration was occaſioned by a grievous Plague then raging in *Rome*, which they thought might in ſome Meaſure be allayed by that Act of Religion (*b*).

LUDI CAPITOLINI, inſtituted to the Honour of *Jupiter Capitolinus*, upon the Account of preſerving his Temple from the *Gauls*. A more famous Sort of *Capitoline* Games were brought up by *Domitian*, to be held every five Years, with the Name of *Agones Capitolini*, in imitation of the *Græcians*. In theſe, Profeſſors of all Sorts had a public Contention, and the Victors were crowned, and preſented with Collars, and other Marks of Honour.

LUDI ROMANI, the moſt antient Games, inſtituted at the firſt building of the *Circus* by *Tarquinius Priſcus*. Hence in a ſtrict Senſe, *Ludi Circenſes* are often uſed to ſignify the ſame ſolemnity. They were inſtituted in Honour of the three great Deities, *Jupiter*, *Juno*, and *Minerva* It is worth obſerving, that though they were uſually called *Circenſes*, yet in *Livy* we meet with the *Ludi Romani Scenici* (*c*), intimating that they were celebrated with new Sports. The old *Faſti* make them to be kept nine Days together, from the Day before the Nones, to the Day before the Ides of *September*: In which too we find another Sort of *Ludi Romani*, celebrated five Days together, within two Days after theſe. *P. Manutius* thinks the laſt to have been inſtituted very late, not till after the Proſecution of *Verres* by *Cicero* (*d*).

LUDI CONSUALES, inſtituted by *Romulus*, with Deſign to ſurpriſe the *Sabine* Virgins; the Account of which is thus given us by *Plutarch*. "He gave out that he had "found an Altar of a certain God hid under Ground; the "God they called *Conſus*, the God of Counſel: This is "properly *Neptune*, the Inventor of Horſe-riding for the "Altar is kept covered in the great *Circus*; only at Horſe-"races, then it appears to public View; and ſome ſay

(*a*) *Saturn* lib. 1. cap. 17. (*b*) *Liv.* 25. (*c*) *Liv.* lib. 3. (*d*) *Manut.* in *Verrin.*

it

" it was not without Reaſon, that this God had his Altar " hid under Ground, becauſe all Counſels ought to be ſe- " cret and concealed. Upon Diſcovery of this Altar, *Ro-* " *mulus*, by Proclamation, appointed a Day for a ſplendid " Sacrifice, and for public Games and Shows to entertain " all Sorts of People; and many flocked thither; he " himſelf ſat uppermoſt, among his Nobles, clad in Pur- " ple. Now the Sign of their falling on was to be, when- " ever he aroſe and gathered up his Robe, and threw it " over his Body: His Men ſtood all ready armed, with " their Eyes intent upon him; and when the Sign was giv- " en, drawing their Swords, and falling on with a great " Shout, bore away the Daughters of the *Sabines*, without " any Hindrance." Theſe Games were celebrated yearly on the twelfth of the Kalends of *September*, conſiſting for the moſt Part of Horſe-Races, and Encounters in the *Circus*.

LUDI COMPITALITII, ſo called from the *Compita*, or Croſs-Lanes, where they were inſtituted and celebrated by the rude Multitude that was got together, before the Building of *Rome*. they ſeem to have been neglected for many Years, till *Servius Tullius* revived them. They were held during the *Compitalia*, or Feaſts of the *Lares*, who preſided as well over Streets as Houſes. *Suetonius* tells us, that *Auguſtus* ordered the *Lares* to be crowned twice a Year at the *Compitalitian* Games, with Spring-Flowers and Summer-Flowers (*a*). This crowning the Houſhold-Gods, and offering Sacrifices in different Parts of the Streets, made the greateſt Part of the Solemnity of the Feaſt.

LUDI AUGUSTALES and *PALATINI*, both inſtituted to the Honour of *Auguſtus*, after he had been enrolled in the Number of the Gods; the former by the common Conſent of the People. and the other by his Wife *Livia*, which were always celebrated in the Palace (*b*). They were both continued by the ſucceeding Emperors.

LUDI SÆCULARES, the moſt remarkable Games that we meet with in the *Roman* Story. The common Opinion makes them to have had a very odd Original, of which we have a tedious Relation in *Valerius Maximus* (*c*) of the Antients, and *Angelus Politianus* (*d*) of the Moderns, Monſieur *Dacier*, in his excellent Remarks on the ſecular Poem of *Horace*, paſſes by this old Conceit as trivial and fabulous, and aſſures us, that we need go no farther for the Riſe of

(*a*) *Aug.* cap. 32. (*b*) *Dio.* lib. 56. *Sueton. Calig.* 56. (*c*) Lib. 2. cap. 4. (*d*) *Miſcellan.* cap. 58.

the

the Cuſtom, than to the *Sibylline* Oracles, for which the *Romans* had ſo great a Veneration.

In theſe ſacred Writings, there was one famous Prophecy to this Effect; That, if the *Romans*, at the Beginning of every Age, ſhould hold ſolemn Games in the *Campus Martius*, to the Honour of *Pluto*, *Proſerpine*, *Juno*, *Apollo*, *Diana*, *Ceres*, and the *Parcæ*, or three fatal Siſters, their City ſhould ever flouriſh, and all Nations be ſubjected to their Dominion. They were very ready to obey the Oracle, and, in all the Ceremonies uſed on that Occaſion, conformed themſelves to its Directions. The whole Manner of the Solemnity was as follows: In the firſt Place, the Heralds received Orders to make a general Invitation of the whole World, to *a Feaſt the like of which they had never ſeen, and ſhould never ſee again.* Some few Days before the Beginning of the Games, the *Quindecimviri*, taking their Seats in the Capitol, and in the *Palatine* Temple, diſtributed among the People purifying Compoſitions, as Flambeaus, Brimſtone, and Sulphur. From hence the People paſſed on to *Diana*'s Temple on the *Aventine* Mountain, carrying Wheat, Barley, and Beans, as an Offering; and after this they ſpent whole Nights in Devotion to the Deſtinies At length, when the Time of the Games was come, which continued three Days and three Nights, the People aſſembled in the *Campus Martius*, and ſacrificed to *Jupiter*, *Juno*, *Apollo*, *Latona*, *Diana*, the *Parcæ*, *Ceres*, *Pluto*, and *Proſerpine*. On the firſt Night of the Feaſt, the Emperor, accompanied by the *Quindecimviri*, commanded three Altars to be raiſed on the Bank of *Tiber*, which they ſprinkled with the Blood of three Lambs, and then proceeded to burn the Offerings and the Victims. After this they marked out a Space which ſerved for a *Theatre*, being illuminated by an innumerable Multitude of Flambeaus and Fires; here they ſung ſome Hymns compoſed for the Occaſion, and celebrated all Kinds of Sports. On the Day after, when they had been at the Capitol to offer the Victims, they returned to the *Campus Martius*, and held Sports to the Honour of *Apollo* and *Diana*. Theſe laſted till the next Day, when the noble Matrons, at the Hour appointed by the Oracle, went to the Capitol to ſing Hymns to *Jupiter*. On the third Day, which concluded the Feaſt, twenty-ſeven young Boys, and as many Girls, ſung in the Temple of *Palatine Apollo*, Hymns and Verſes in *Greek* and *Latin*, to recommend the City to the Protection of thoſe Deities whom they deſigned particularly to honour by their Sacrifices.

The

The famous ſecular Poem of *Horace* was compoſed for this laſt Day, in the ſecular Games held by *Auguſtus*. *Dacier* has given his Judgment on this Poem, as the Maſter-piece of *Horace*; and believes that all Antiquity cannot furniſh us with any Thing more happily complete.

There has been much Controverſy, whether theſe Games were celebrated every hundred, or every hundred and ten Years. For the former Opinion, *Cenſorinus* (*a*) alledges the Teſtimony of *Valerius Antias*, *Varro*, and *Livy*; and this was certainly the Space of Time which the *Romans* called *Sæculum*, or an Age. For the latter he produceth the Authority of the Regiſters, or Commentaries of the *Quindecimviri*, and the Edicts of *Auguſtus*, beſides the plain Evidence of *Horace* in his ſecular Poem; 21.

Certas undenos decies per annos, &c.

This laſt Space is expreſly injoined by the *Sibylline* Oracle itſelf; the Verſes of which, relating to this Purpoſe, are tranſcribed by *Zoſimus* in the ſecond Book of his Hiſtory.

Ἀλλ ὅπᾳ ἂν μήκιϛον ἱκῇ χρόνον ἀνθρώποισι
Ζωῆς, εἰς ἐτέων ἑκατὸν δέκα κύκλον ὁδεύων, &c.

Yet according to the antient Accounts we have of their Celebration in the ſeveral Ages, neither of theſe Periods are much regarded.

The firſt were held *A. U. C.* 245, or 298.
The ſecond *A.* 330, or 408.
The third *A.* 518.
The fourth either *A.* 605. or 608, or 628.
The fifth by *Auguſtus*, *A.* 736.
The ſixth by *Claudius*, *A.* 800.
The ſeventh by *Domitian*, 841.
The eighth by *Severus*, *A.* 957.
The ninth by *Philip*, *A.* 1000.
The tenth by *Honorius*, *A.* 1157.

This Diſorder, without Queſtion, was owing to the Ambition of the Emperors, who were extremely deſirous to have the Honour of celebrating theſe Games in their Reign; and therefore, upon the ſlighteſt Pretence many Times, made them return before their ordinary Courſe. Thus *Claudius* pretended that *Auguſtus* had held the Games before their due Time, that he might have an Excuſe for keeping

(*a*) *De Die Natali*, cap. 17.

them

them within ſixty-four Years afterwards. On which Account, *Suetonius* tells us, that the People laughed at the Criers, when they went about proclaiming Games that no Body had ever ſeen, nor would ſee again; whereas there were not only many Perſons alive who remembered the Games of *Auguſtus*, but ſeveral Players, who had acted in thoſe Games, were now again brought on the Stage by *Claudius* (*a*).

What Part of the Year the ſecular Games were celebrated in, is uncertain; probably in the Times of the Commonwealth, on the Days of the Nativity of the City, *i. e.* the 9, 10, 11 *Kal. Maii*; but under the Emperors, on the Day when they came to their Power (*b*).

We may conclude our Enquiry into this celebrated Subject, with two excellent Remarks of the *French* Critic. The firſt is, that in the Number three, ſo much regarded in theſe Games, they had probably an Alluſion to the Triplicity of *Phœbus*, of *Diana*, and of the Deſtinies.

The other Obſervation, which he obliges us with, is, that they thought the Girls which had the Honour to bear a Part in ſinging the ſecular Poem, ſhould be the ſooneſt married. This Superſtition they borrowed from the Theology of the *Græcians*, who imagined that the Children, who did not ſing and dance at the Coming of *Apollo*, ſhould never be married, and ſhould certainly die young. To this Purpoſe *Callimachus*, in his Hymn to *Apollo*:

Μήτε σιωπηλὴν κίθαριν, μήτ' ἄφωνον ἴχνιον·
Τῶ Φοίβω τὸς παῖδας ἔχειν ἐπιδημήσαντα,
Εἰ τελέειν μέλλησι γάμον, πολιτήν τε μεξεῖσθαι.

And *Horace*, encouraging the *Chorus* of Girls to do their beſt in ſinging the ſecular Poem, tells them how proud they would be of it, when they were well married.

Nupta jam dices: Ego diis amicum,
Sæculo feſtas referente luces,
Reddidi carmen, docilis modorum
Vatis Horati. Lib. iv. Od. 6.

All thoſe Games, of what Sort ſoever, had the common Name of *Votivi*, which were the Effect of any Vow made by the Magiſtrates or Generals, when they ſet out on an Expedition, to be performed if they returned ſucceſsful.

(*a*) *Sueton. Claud.* 21. (*b*) *Mr.* Walker *of Coins*, p. 168.

Theſe

Theſe were ſometimes occaſioned by Advice of the *Sibylline* Oracles, or of the Southſayers; and many Times proceeded purely from a Principle of Devotion and Piety in the Generals. Such particularly were the *Ludi Magni*, often mentioned in Hiſtorians, eſpecially by *Livy*. Thus he informs us, That in the Year of the City 536, *Fabius Maximus* the Dictator, to appeaſe the Anger of the Gods, and to obtain Succeſs againſt the *Carthaginian* Power, upon the Direction of the *Sibylline* Oracles, vowed the *Great Games* to *Jupiter*, with a prodigious Sum to be expended at them; beſides three hundred Oxen to be ſacrificed to *Jupiter*, and ſeveral others to the reſt of the Deities (*a*). *M. Acilius* the Conſul did the ſame in the War againſt *Antiochus* (*b*). And we have ſome Examples of theſe Games being made *Quinquennial*, or to return every five Years (*c*). They were celebrated with *Circenſian* Sports four Days together (*d*).

To this Head we may refer the

Ludi Victoriæ, mentioned by *Vell. Paterculus* (*e*), and *Aſconius* (*f*): They were inſtituted by *Sylla*, upon his concluding the Civil War. It ſeems probable, that there were many other Games with the ſame Title, celebrated on Account of ſome remarkable Succeſs, by ſeveral of the Emperors.

The *Ludi Quinquennales* inſtituted by *Auguſtus Cæſar* after his Victory againſt *Antony*; which he reſolved to hand down as famous to ſucceeding ages, he built the City *Nicopolis*, near *Actium*, the Place of Battle, on Purpoſe to hold theſe Games; when they are often called *Ludi Actiaci*. They conſiſted of Shows of Gladiators, Wreſtlers, and other Exerciſes, and were kept as well at *Rome* as at *Nicopolis*. The proper Curators of them were the four Colleges of Prieſts, the *Pontifices*, the *Augurs*, the *Septemviri* and *Quindecimviri*.

Virgil, in Alluſion to this Cuſtom, when he brings his Hero to the Promontory of *Actium*, makes him hold ſolemn Games, with the Luſtrations and Sacrifices uſed on that Occaſion by the *Romans*.

> *Luſtramurque* Jovi, *votiſque incendimus aras*;
> Actiaque Iliacis *celebramus littora Ludis*. Æn. iii. 279.

Nero, after the Manner of the *Grecians*, inſtituted *Quinquennial* Games, at which the moſt celebrated Maſters of Muſic, Horſe-racing, Wreſtling, &c. diſputed for the Prize (*g*).

(*a*) *Liv* lib. 22. (*b*) *Idem*. lib. 36. (*c*) *Liv*. lib. 27. & lib. 30. (*d*) *Ibid.* (*e*) Lib. cap. 27. (*f*) *In Verrin*. 2. (*g*) *Sueton. Ner*. 12.

The

The ſame Exerciſes were performed in the *Quinquennial* Games of *Domitian*, dedicated to *Jupiter Capitolinus*; together with the Contentions of Orators and Poets (*a*); at which the famous *Statius* had once the ill Fortune to loſe the Prize; as he complains ſeveral Times in his Miſcellaneous Poems.

Ludi decennales, or Games to return every tenth Year, were inſtituted by *Auguſtus*, with this political Deſign, to ſecure the whole Command to himſelf, without incurring the Envy or Jealouſy of the People. For every tenth Year proclaiming ſolemn Sports, and ſo gathering together a numerous Company of Spectators, he there made Proffer of reſigning his imperial Office to the People; though he immediately reſumed it, as if continued to him by the common Conſent of the *Nation* (*b*). Hence a Cuſtom was derived for the ſucceeding Emperors, every tenth Year of their Reign, to keep a magnificent Feaſt, with the Celebration of all Sorts of public Sports and Exerciſes (*c*).

The *Ludi Triumphales* were ſuch Games as made a Part of the triumphal Solemnity.

Ludi Natalitii, inſtituted by every particular Emperor to commemorate his own Birth-day.

Ludi Juvenales, inſtituted by *Nero* at the Shaving of his Beard, and at firſt privately celebrated in his Palace or Gardens; but they ſoon became public, and were ſolemnized with great State and Magnificence. Hence the Games held by the following Emperors in the Palace, yearly on the firſt of *January*, took the Name of *Juvenalia* (*d*).

Cicero ſpeaks of the *Ludi Juventutis*, inſtituted by *Salinator* in the *Senenſian* War, for the Health and Safety of the Youth; a Plague then reigning in the City (*e*).

The *Ludi Miſcelli*, which *Suetonius* makes *Caligula* to have inſtituted at *Lyons* in *France*, ſeem to have been a Miſcellany of Sports, conſiſting of ſeveral Exerciſes joined together in a new and unuſual Manner (*f*).

The *LUDI FUNEBRES*, aſſigned as one Species of the *Roman* public Games, as to their Original and Manner, have been already deſcribed in the Chapter of the Gladiators. It may be proper to obſerve farther, that *Tertullian*, in his particular Tract *De Spectaculis*, as he derives the Cuſtom of the *Gladiatorian* Combats from the Funeral Rites, ſo he takes Notice, that the Word *Munus*, applied originally to

(*a*) *Idem. Domit.* 4. (*b*) *Dio.* lib. 53. (*c*) *Ibid.* (*d*) *Sueton. Ner.* 11. *Caſaubon. ad loc.* (*e*) *In Brut.* (*f*) *Sueton. Cal.* 20. *Torrent. ad loc.*

theſe

theſe Shows, is no more than *Officium*, a kind Office to the Dead. We muſt remember, that though the Shows of Gladiators, which took their Riſe from hence, were afterwards exhibited on many other Occaſions, yet the primitive Cuſtom of preſenting them, at the Funerals of great Men, all along prevailed in the City and *Roman* Provinces; nor was it confined only to Perſons of Quality, but almoſt every rich Man was honoured with this Solemnity after his Death; and this they very commonly provided for in their Wills, defining the Number of Gladiators who ſhould be hired to engage; inſomuch that when any wealthy Perſon deceaſed, the People uſed to claim a Show of Gladiators, as their Due by long Cuſtom. *Suetonius* to this Purpoſe tells us of a Funeral, in which the common People extorted Money by Force from the deceaſed Perſon's Heirs, to be expended on this Account (*a*).

Julius Cæſar introduced a new Cuſtom of allowing this Honour to the Women, when he obliged the People with a Feaſt and a public Show in Memory of his Daugther (*b*).

It is very memorable, that though the Exhibitors of the Shows were private Perſons, yet, during the Time of the Celebration, they were conſidered as of the higheſt Rank and Quality, having the Honour to wear the *Prætexta*, and to be waited on by the Lictors and Beadles, who were neceſſary to keep the People in Order, and to aſſiſt the *Deſignatores*, or Marſhallers of the Proceſſion (*c*).

(*a*) *Suet. Lib.* 37. (*b*) *Idem, Jul.* 26. (*c*) *Kirchman de Funer. Rom.* lib. 4. cap. 8.

CHAP.

CHAP. VIII.

Of the ROMAN *Habit.*

THE Form of the *Roman* Habit has admitted of as much Controverſy amongſt the Learned, as any other Part of Antiquity; and though the moſt eminent have been ſo kind as to leave us their Thoughts on the Subject, yet the Matter is ſtill in Obſcurity, and the Controverſies relative to it undetermined. However, without enquiring into the ſeveral Faſhions of the *Romans*, or defining the exact Time when they firſt changed their Leathern Jerkins, or primitive Hides of wild Beaſts, for the more decent and graceful Attires, it will be ſufficient to the preſent Deſign, to obſerve the ſeveral Sorts of Garments in Uſe with both Sexes, and to give the beſt Deſcription of them that can be recovered at this Diſtance.

The two moſt common and celebrated Garments of the *Romans* were the *Toga* and the *Tunica*.

The *Toga*, or Gown, ſeems to have been of a ſemi-circular Form, without Sleeves, different in Largeneſs, according to the Wealth or Poverty of the Wearer, and uſed only upon Occaſion of appearing in Public; whence it is often called *Veſtis forenſis* (*a*).

The Colour of the Gown is generally believed to have been white. The common Objections, againſt this Opinion, are, how it could then be diſtinguiſhed from the *Toga candida*, uſed by Competitors for Offices? Or how it comes to paſs that we read particularly of their wearing white Gowns on Holidays and public Feſtivals, as in *Horace*,

Ille repotia, natales, alioſque dierum
Feſtos albatus celebret (*b*).——

if their ordinary Gown were of the ſame Colour? But both theſe Scruples are eaſily ſolved; for between the *Toga alba*, and *candida*, we may apprehend this Difference, that the former was the natural Colour of the Wool, and the other an artificial White, which appeared with a greater Advan-

(*a*) *Ferrar. de re Veſtiar.* lib. 1. cap. 28. (*b*) Lib. 2. Sat. 2. 60.

tage



1 Paliatus. 2 Togatus. 3 Pallata. 4 Stolata.



1 Imperator Chlamydatus 2 Patricius Puer Prætextatus
3 Mercurius Pœnulatus 4 Servus Lacernatus





tage of Luſtre; and therefore *Polybius* chuſeth rather to call the Candidate's Gown λαμπρὰν, than λευκὴν; not of a bare White, but of a bright ſhining Colour: For this Purpoſe they made uſe of a fine Kind of Chalk, whence *Perſius* took the Hint of *Cretata Ambitio* (*a*). As to the Holidays, or ſolemn Feſtivals, on which we find the *Romans* always attired in White, it is reaſonable to believe that all Perſons of Diſtinction conſtantly put on new Gowns, which were of the pureſt White, on theſe Occaſions; and thoſe of meaner Condition might perhaps chalk over their old ones, which were now grown ruſty (*b*).

The Diſpute between *Manutius* and *Sigonius*, whether the *Roman* Gown was tied about with a Girdle or not, is commonly decided in Favour of *Manutius*; yet it muſt be acknowledged that the beſt Authors allow ſome Kind of *Cincture* to the Gown; but then it muſt be underſtood to be performed only by the Help of the Gown itſelf, or by that Part of it, which, coming under the right Arm, was drawn over to the left Shoulder, and ſo covering the *Umbo*, or Knot of Plaights which reſted there, kept the Gown cloſe together. This Lappet or Skirt *Quintilian* calls the *Belt*, in his Advice to the *Orators* about this Matter: *Ille qui ſub humero dextro ad ſiniſtrum oblique ducitur, velut balteus, nec ſtrangulet, nec fluat* (*c*).

This *Belt* being looſed, and the left Arm drawn in, the Gown flowed out, and the *Sinus*, or main Lappet, hung about the Wearer's Feet; this was particularly obſerved in *Cæſar*, who commonly let his Gown hang dragging after him; whence *Sylla* uſed to adviſe the Noblemen, *ut puerum male præcinctum caverent* (*d*).

The accurate *Ferrarius* is certainly miſtaken as to this Point; for maintaining that the Gown had no Kind of *Cinctus* but what they called *Gabinus*, he will have this meant only of the *Tunica*; but the plain Words of *Macrobius* make ſuch a Suppoſition impoſſible, and *Laciniam trahere* expreſly points out the Gown; for the *Tunic*, being only a ſhort Veſt, cannot by any Means be conceived to have a Lappet trailing on the Ground (*e*).

The ſame Fault, which *Sylla* objected to *Cæſar*, was commonly obſerved in *Mæcenas*, and is a Mark of that effeminate Softneſs, which makes an unhappy Part of his Character in Hiſtory.

(*a*) *Sat.* 5. *ver.* 177. (*b*) *Lipſ. Elect.* lib. 1. cap. 13. (*c*) *Inſtitut.* lib. 11. cap. 3. (*d*) *Sueton. Jul.* cap. 45. *Macrob. Saturnal.* lib. 2. cap. 3. (*e*) *Græv. ad Sueton. Jul.* 45.

The learned *Grævius* obſerves, that the Word *Præcingi* was proper to the Gown, becauſe the Lappet did not cloſe about the whole Gown, but only the Fore-part of it (*a*).

The *Cinctus Gabinus* is moſt accurately deſcribed by *Ferrarius*: *Cinctus Gabinus non aliud fuit quam cum togæ lacinia lævo brachio ſubducta in tergum ita rejiciebatur, ut contracta retraheretur ad pectus, atque ita in nodum necteretur; qui nodus ſive cinctus togam contrahebat, brevioremque & ſtrictiorem reddidit* (*b*). "The *Cinctus Gabinus* was nothing elſe, but "when the Lappet of the Gown, which uſed to be brought "up to the left Shoulder, being drawn thence, was caſt off in "ſuch a Manner upon the Back, as to come round ſhort to "the Breaſt, and there faſten in a Knot, which Knot or Cinc-"ture tucked up the Gown, and made it ſhorter and tighter." This *Cinctus* was proper only to the Conſuls or Generals upon ſome extraordinary Occaſions, as declaring War, burning the Spoils of the Enemy, devoting themſelves to Death for the Safety of their Army, and the like: It was borrowed from the Inhabitants of *Gabii*, a City of *Campania*, who at the Time of a public Sacrifice, happening to be attacked ſuddenly by their Enemies, were obliged through Haſte to gather up their Gowns in this Manner, and ſo march out to oppoſe them (*c*).

In their common Dreſs, the upper Part of the Gown uſed to lie over the right Shoulder, yet upon Occaſion it was an eaſy Matter to draw back that Part again, and make it cover the Head; and learned Men are of Opinion, that the *Romans*, while they continued in the City, made Uſe of this Sort of Covering only for the Head, never appearing in any Kind of Caps or Hats, unleſs they were on a Journey. Thus *Plutarch* informs us of the Deference paid to great Men as they paſſed the Streets: Οἱ Ρωμαῖοι τῶν ἀνθρώπων τοῖς ἀξίοις τιμῆς ἀπαντῶντες, κἂν τυχῶσιν ἐπὶ τῆς κεφαλῆς τὸ ἱμάτιον ἔχοντες, ἀποκαλύπτονται. *The* Romans *when they meet any Perſon who deſerves a particular Reſpect, if they chance to have their Gown on their Head, preſently uncover.* And the ſame Author, reckoning up the Marks of Honour which *Sylla* ſhewed *Pompey*, adds, καὶ τῆς κεφαλῆς ἀπάγοντος τὸ ἱμάτιον, *and pulling off his Gown from his Head.*

The ſeveral Sorts of the *Roman* Gowns were the *Toga Prætexta*, the *Pulla*, the *Sordida*, and the *Picta*, *Purpurea*, *Palmata*, &c. or the *Trabea*.

(*a*) *Ibid.* (*b*) *De Re Veſtiar.* lib. 1. cap. 14. (*c*) *Servius ad Virgil. Æn.* 7. v. 612.

Every

Every one knows that the Gown was the diſtinguiſhing Mark of the *Romans* from the *Greeks*, who wore the *Pallium*, or Cloak, whence *Togatus* and *Palliatus* are often uſed for *Roman* and *Grecian*; as alſo that the Gown was the proper Badge of Peace, being generally laid aſide upon engaging in any martial Deſign; yet it appears from ſeveral Paſſages of *Livy* and *Plutarch*, that it was ſometimes worn in the Camp; if ſo, perhaps the *Equites* and *Centurions* had this peculiar Privilege, and that only when they lay ſtill in the Camp without any Thoughts of ſudden Action, as *Manutius* learnedly conjectures (*a*).

The *Toga Prætexta* had a Border of Purple round the Edges, whence it took its Name, and in Alluſion to which, the *Grecian* Writers call it περιπόρφυρον, It ſeems originally to have been appropriated to the Magiſtrates and ſome of the Prieſts, when at firſt introduced by *Tullus Hoſtilius*. How it came to be beſtowed on the young Men, is differently related. Some fancy that *Tarquinius Priſcus*, in a Triumph for a Victory againſt the *Sabines*, firſt honoured his own Son with the *Prætexta* and the *Bulla aurea*, as Rewards of his Valour, for killing one of the Enemies with his own Hands; for as the former was the Robe of the Magiſtrates, ſo the *Bulla aurea* was till then uſed only by Generals in their triumphal Proceſſion, being a Sort of hollow golden Ball hanging about their Necks, in which was encloſed ſome ſecret Amulet or Preſervative againſt Envy. Others, without regarding this firſt Story, tells us, that the ſame *Tarquin*, among other wiſe Conſtitutions, took particular Care in aſſigning the proper habit to the Boys, and accordingly ordained that the Sons of Noblemen ſhould make Uſe of the *Prætexta* and the *Bulla aurea*, provided their Fathers had born any curule Office, and that the reſt ſhould wear the *Prætexta* only; as low as the Sons of thoſe who had ſerved on Horſeback in the Army the full Time that the Law required. A third Party refer the Original of this Cuſtom to *Romulus* himſelf, as the Conſequence of a Promiſe made to the *Sabine* Virgins, that he would beſtow a very conſiderable Mark of Honour on the firſt Child that was born to any of them by a *Roman* Father. Many believe that the Reaſon of giving them the *Bulla* and the *Prætexta* was, that the former, being ſhaped like an Heart, might, as often, as they looked on it, be no inconſiderable Incitement to Courage; and that

(*a*) *De Quæſitis per Epiſt.* lib. 2. Ep. 1.

the Purple of the Gown might remind them of the Modeſty which became them at that Age (*a*).

But on what Account ſoever this Inſtitution took its Riſe, it was conſtantly obſerved by all the Sons of the *Ingenui*, or Free-born. The *Libertini* too in latter Times obtained the Privilege, only inſtead of the golden *Bulla* they wore a Leathern one, as *Juvenal* intimates, *Sat.* 5. 164.

———Etruſcum puero ſi contigit aurum,
Vel nodus tantum & ſignum de paupere loro.

It is commonly believed that the Boys changed this Gown at the Age of 14 Years for the *Toga Virilis*; but Monſieur *Dacier* makes this a great Miſtake; for till they were 13 Years old, he ſays, they wore a Sort of Veſt with Sleeves, which they called *Alicata Chlamys*, and then left off that to put on the *Prætexta*, which they did not change till they had reached the Age of Puberty, or the 17th Year (*b*).

It is a very pertinent Remark, that this *Prætexta* was not only a Token of the Youth and Quality of the Wearer, but beſides this had the Repute of a ſacred Habit; and therefore, when they aſſigned it for the Uſe of the Boys, they had this eſpecial Conſideration, that it might be a Kind of Guard or Defence to them againſt the Injuries to which that Age was expoſed (*c*). Thus the poor Boy in *Horace* cries out to the Witch *Canidia* that was tormenting him,

Per hoc inane purpuræ decus precor. Epod. 5.

And *Perſius* calls it *cuſtos purpura* in his 5th Satyr. But *Quintilian* moſt expreſly, *Ego vobis allego etiam illud ſacrum prætextarum, quo ſacerdotes velantur, quo Magiſtratus, quo infirmitatem pueritiæ ſacram facimus ac venerabilem* (*d*). "I allege too the ſacred Habit of the *Prætexta*, the Robe of "Prieſts and Magiſtrates, and that by which we derive an "holy Reverence and Veneration to the helpleſs Condition "of Childhood."

We find farther, that the Citizen's Daughters were allowed a Sort of *Prætexta*, which they wore till the Day of Marriage. Thus *Cicero* againſt *Verres*, *Eripies pupillæ togam prætextam*. And *Propertius*, *Mox ubi jam facibus ceſſit prætexta maritis*. The *Prætorii* and *Conſulares* too, (if not all the Senators) at the *Ludi Romani* made Uſe of the *Prætexta* (*e*). And the Matrons on the *Caprotine Nones* celebrated the Feſtival in this Sort of Gown (*f*).

(*a*) *Macrob. Saturnal.* lib. 1. cap. 6. (*b*) *Dacier on Horace*, lib. 5. Ode 5. (*c*) *Dacier*, ibid. (*d*) *In Declamat.* (*e*) *Cicero Philip.* 2. (*f*) *Varro de Ling. Lat.* lib. 5.

The

The *Toga pura* was the ordinary Garment of private Perſons when they appeared abroad, ſo called becauſe it had not the leaſt Addition of Purple to the White; we meet with the ſame Gown under the Name of *Virilis* and *Libera:* It was called *Toga virilis*, or the *manly* Gown, becauſe when the Youths came to Man's Eſtate, or to the Age of 17 Years, they changed the *Prætexta* for this Habit, as was before obſerved; on which Occaſion the Friends of the Youth carried him into the *Forum* (or ſometimes into the Capitol) and attired him in the new Gown with Abundance of Ceremony. This they called *dies tirocinii*, the Day on which he commenced a *Tiro*, in Relation to the Army, where he was now capacitated to ſerve.

It had the Name of *Toga libera*, becauſe at this Time the young Men entered on a State of Freedom, and were delivered from the Power of their Tutors and Inſtructors. Thus the young Gentleman intimates in *Perſius:*

Cum primum pavido cuſtos mihi purpura ceſſit,
Bullaque ſuccinctis laribus donata pependit;
Cum blandi comites, totaque impune ſuburra
Permiſit ſparſiſſe oculos jam candidus umbo. Sat. 5. 30.

When firſt my childiſh Robe reſign'd its Charge,
And left me unconfin'd to live at large;
When now my golden *Bulla* (hung on high
To Houſhold-Gods) declar'd me paſt a Boy,
And my white Plaights proclaim'd my Liberty;
When with my wild Companions I could rowl
From Street to Street, and ſin without Controul.
DRYDEN.

But for all this Liberty, they had one remarkable Reſtraint, being obliged for the firſt whole Year to keep their Arms within their Gown, as an Argument of Modeſty. This *Cicero* obſerves, *Nobis quidem olim annus erat unus ad cohibendum brachium toga conſtitutus* (*a*).

The *Toga pulla* and *ſordida* are very commonly confounded; yet, upon a ſtrict Enquiry, it will appear that the firſt Sort was proper to Perſons in Mourning, being made of black Cloth, whence the Perſons were called *atrati*. The *Toga ſordida* was black as well as the other, but from a different Cauſe, having grown ſo by the long wearing and ſullying of it; and this (as has been already obſerved) was worn

(*a*) *Cicero pro Cælio.*

by the Priſoners at their Trial, as well as by the common People. It may here be remarked that the *Pullati*, whom we meet with in the Claſſics, were not only thoſe who wore the *Toga pulla*, or the *Toga ſordida*, but ſuch too as were attired in the *Penulæ* or *Lacernæ*, which were uſually black. Thus the learned *Caſaubon* interprets *pullatorum turba* in *Suetonius* (*a*), and *Quintilian* calls the Rabble *pullatus circulus* (*b*), and *pullata turba* (*c*). Hence it may reaſonably be conjectured, that when the *Roman* State was turned into a Monarchy, the Gowns began to be laid aſide by Men of the lower Rank, the *Penulæ* and *Lacernæ* being introduced in their Room, and commonly worn without them, or ſometimes over them. This Irregularity had gained a great Head, even in *Auguſtus*'s Time, who, to rectify it in ſome Meaſure, commanded the *Ædiles* that they ſhould ſuffer no Perſon in the *Forum* or *Circus* to wear the *Lacerna* over his Gown as was then a common Practice. The ſame excellent Prince taking Notice at a public Meeting of an innumerable Company of Rabble in theſe indecent Habits, cried out with Indignation, *En*

Romanos Rerum dominos gentemque togatam (*d*)*!*

The *Toga picta*, *purpurea*, *palmata*, the conſular *Trabea*, the *Paludamentum*, and the *Chlamys*, had very little Difference (except that the laſt but one is often given to military Officers in general, and ſometimes paſſes for the common Soldiers Coat (*e*), and are indifferently uſed one for the other, being the Robes of State proper to the Kings, Conſuls, Emperors, and all Generals during their Triumph. This Sort of Gown was called *Picta*, from the rich Embroidery, with Figures in *Phrygian* Work; and *purpurea*, becauſe the Ground-work was Purple. The *Toga palmata* indeed very ſeldom occurs, but may reaſonably be ſuppoſed the ſame with the former, called ſo on the ſame Account as the *Tunica palmata*, which will be deſcribed hereafter. That it was a Part of the triumphal Habit, *Martial* intimates,

I comes, & magnos illæſa merere triumphos,
Palmatæque ducem (*ſed cito*) *redde togæ.* vii. 1.

Antiquaries are very little agreed in Reference to the *Trabea*. *Paulus Manutius* was certainly wrong, when he fancied it to be the ſame as the *Toga picta*, and he is accordingly

(*a*) *Auguſt.* cap. 40. (*b*) Lib. 2. cap. 12. (*c*) Lib. 6. cap. 4. (*d*) *Sueton. Auguſt.* cap. 40. (*e*) Vid. *Bayf. de Re Veſt.* cap. II.

corrected

corrected by *Grævius* (*a*). The general Opinion follows the Diſtinction of *Servius* and *Scaliger* into three Sorts, one proper to the Kings, another to the Conſuls, and a third to the *Augurs*. But *Lipſius* (*b*) and *Rubenius* (*c*) acknowledge only one proper Sort of *Trabea* belonging to the Kings; being a white Gown bordered with Purple, and adorned with *clavi* or *trabes* of Scarlet: Whereas the Veſts of the Conſuls, the *Augurs*, and the Emperors, were called by the ſame Name, only becauſe they were made in the ſame Form; for the old *Paludamentum* of the Generals was all Scarlet, only bordered with Purple; and the *Chlamydes* of the Emperors were all Purple, commonly beautified with a golden or embroidered Border.

Sidoniam picto chlamydem circumdata limbo. Virg. Æn. 4.

When the Emperors were themſelves Conſuls, they wore a *Trabea* adorned with Gems, which were allowed to none elſe. *Claudian*, in his Poems of the third, fourth, and ſixth Conſulſhip of *Honorius*, alludes expreſly to this Cuſtom.

——Cinctus mutata Gabinos
Dives Hydaſpæis augeſcat purpura gemmis.

And again,

——Aſperat Indus
Velamenta lapis, pretioſaque fila ſmaragdis
Ducta virent——

And in the laſt,

Membraque gemmato trabeæ viridantia cinctu.

There are ſeveral other Names under which we ſometimes find the Gown, which have not yet been explained, nor would be of much Uſe, if thoroughly underſtood: Such as the *Toga undulata*, *ſericulata*, *paverata*, *Phryxiana*, *ſcutulata*, &c. See *Ferrar.* de Re Veſt. lib. 2. cap. 10.

The *Tunica*, or cloſe Coat, was the common Garment worn within Doors by itſelf, and abroad under the Gown: The *Proletarii*, the *Capite cenſi*, and the reſt of the Vulgar, could not afford to wear the *Toga*, and ſo went in their *Tunics*; whence *Horace* calls the Rabble *tunicatus popellus*, and the Author of the Dialogue *de Claris Oratoribus*, *populus tunicatus*. The antient *Romans*, as *Gellius* informs us (*d*), at

(*a*) *Præfat. ad* 1 Vol. *Theſ. Rom.* (*b*) *Ad* Tacit. *Ann.* 3. (*c*) *De Re Veſtiar & præcipue de Laticlav.* lib. 1. cap. 5. (*d*) Lib. 7. cap. 12.

firſt were cloathed only in the Gown, In a little Time they found the Convenience of a ſhort ſtrait *Tunic*, that did not cover the Arms; like the *Grecian* ἐξωμίδες. Afterwards they had Sleeves coming down to the Elbow, but no farther. Hence *Suetonius* tells us that *Cæſar* was remarkable in his Habit, becauſe he wore the *Laticlavian Tunic*, cloſed with Gatherings about his Wriſt (*a*). *Rubenius* thinks he might uſe this Piece of Singularity to ſhew himſelf deſcended from the *Trojans*, to whom *Romulus* objects, in *Virgil*, as an Argument of their Effeminacy,

Et tunicæ manicas, & habent redimicula mitræ (*b*).

And *Iulus*, or *Aſcanius*, is ſtill to be ſeen dreſſed after the ſame Manner in the old Gems (*c*).

Yet in the Declenſion of the Empire, the *Tunics* did not only reach down to the Ankles, whence they were called *Talares*, but had Sleeves alſo coming down to the Hands, which gave them the Name of *Chirodotæ*. And now it was counted as ſcandalous to appear without Sleeves, as it had been hitherto to be ſeen in them. And therefore, in the Writers of that Age, we commonly find the accuſed Perſons at a Trial habited in the *Tunic* without Sleeves, as a Mark of Infamy and Diſgrace (*d*).

The ſeveral Sorts of the *Tunic* were the *Palmata*, the *Anguſticlavia*, and the *Laticlavia*.

The *Tunica Palmata* was worn by Generals in a Triumph, and perhaps always under the *Toga picta*. It had its Name either from the great Breadth of the *Clavi*, equal to the Palm of the Hand; or elſe from the Figures of Palms, embroidered on it (*e*).

The Critics in general are ſtrangely divided about the *Clavi*. Some fancy them to have been a Kind of Flowers interwoven in the Cloth: Others will have them to be the Buttons or Claſps by which the *Tunic* was held together. A third Sort contend, that the *Latus Clavus* was nothing elſe but a *Tunic* bordered with Purple. *Scaliger* thinks the *Clavi* did not belong properly to the Veſt, bnt hung down from the Neck, like Chains and Ornaments of that Nature. But the moſt general opinion makes them to have been Studs or Purls, ſomething like Heads of Nails, of Purple or Gold, worked into the *Tunic*.

All the former Conjectures are learnedly refuted by the accurate *Rubenius*, who endeavours to prove, that the *Clavi*

(*a*) *Suet. Jul.* cap. 45. (*b*) *Æneid.* xi. 616. (*c*) *Rubenius de Laticlav.* lib. 1. cap. 12. (*d*) *Ibidem*. (*e*) *Feſtus in voce*.

were

were no more than Purple Lines or Streaks running along the Middle of the Garments, which were afterwards improved to golden and embroidered Lines of the ſame Nature. We muſt not therefore ſuppoſe them to have received their Name from the Heads of Nails, to which they bore no Reſemblance; but it muſt be remarked, that the Antients uſed to inlay their Cups and other precious Utenſils with Studs of Gold, or other ornamental Materials. Theſe, from their Likeneſs to Nail-heads, they called in general *Clavi*: So that it was very natural to uſe the ſame Word to ſignify theſe Lines of Purple, or other Colours which were of a different Kind from all the reſt of the Garment, as thoſe antient *Clavi* were of a different Colour and Figure from the Veſſels which they adorned.

Theſe Streaks were either tranſverſe or ſtraight down the Veſt; the former were uſed only in the Liveries of the *Popæ*, and other public Servants, by the Muſicians, and ſome Companies of Artificers, and now and then by the Women, being termed *Paragaudæ*. The proper *Clavi* came ſtraight down the Veſt, one of them making the *Tunic*, which they called the *Anguſticlave*, and two the *Laticlave*.

However this Opinion has been applauded by the Learned, Monſieur *Dacier*'s Judgment of the Matter cannot fail to meet with a kind Reception.

He tells us, that the *Clavi* were no more than Purple Galoons, with which they bordered the Fore-part of the *Tunic*, on both Sides, in the Place where it came together. The broad Galoons made the *Laticlave*; and the narrow the *Anguſticlave*. Therefore they are ſtrangely miſtaken, who make the only Difference between the two Veſts to conſiſt in this, that the one had but a ſingle *Clavus*, the other two, and that the Senatorian *Clavus*, being in the Middle of the Veſt, could poſſibly be but one: For it is very plain they had each of them two Galoons, binding the two Sides of the Coat where it opened before; ſo that joining together with the Sides, they appeared juſt in the Middle; whence the *Greeks* called ſuch a Veſt μεσοπόρφυρον. That the Galoons were ſewed on both Sides of the Coat, is evident beyond Diſpute from the following Paſſage of *Varro*: *Nam ſi quis tunicam ita conſuit, ut altera plagula ſit anguſtis clavis, altera latis, utraque pars in ſuo genere caret analogia*, "For if any one ſhould ſew a Coat in this Manner, that "one Side ſhould have a broad Galoon, and the other a "narrow one, neither Part has any Thing properly anſwer-"ing to it." As to the Name of the *Clavi*, he thinks there needs no farther Reaſon to be given, than that the Antients called

called any Thing, which was made with Deſign to be put upon another *Clavus* (*a*).

It has been a received Opinion, that the *Anguſticlave* diſtinguiſhed the Knights from the common People in the ſame Manner as the *Laticlave* did the Senators from thoſe of the Equeſtrian Rank; but *Rubenius* avers, that there was no Manner of Difference between the *Tunics* of the Knights, and thoſe of the Commons. This Conjecture ſeems to be favoured by *Appian*, in the ſecond Book of his Hiſtory, where tells us, ὁ δὲ δοῦλος ἐχὶ τὸ σχῆμα τοῖς δεσπόταις ὅμοιος, χωρὶς γὰρ τῆς βουλευτικῆς ἡ ἄλλη στολὴ τοῖς θεράπουσιν ἐπίκοινος. "The Slave in Habit goes like his Ma-"ſter; and, excepting only the Senator's Robe, all other "Garments are common to the Servants." And *Pliny*, when he ſays that the Rings diſtinguiſhed the Equeſtrian Order from the common People, as their *Tunic* did the Senate from thoſe that wore the Rings, would not probably have omitted the other Diſtinction, had it been real. Beſides both theſe Authorities, *Lampridius*, in the Life of *Alexander Severus*, confirms the preſent Aſſertion. He acquaints us that the aforeſaid Emperor had ſome Thoughts of aſſigning a proper Habit to Servants different from that of their Maſters: But his great Lawyers, *Ulpian* and *Paulus*, diſſuaded him from the Project, as what would infallibly give Occaſion to much Quarelling and Diſſenſion; ſo that, upon the Whole, he was contented only to diſtinguiſh the Senators from the Knights by their *Clavus*.

But all this Argument will come to nothing, unleſs we can clear the Point about the Uſe of Purple among the *Romans*, which the *Civilians* tell us was ſtrictly forbidden the common People under the Emperors. It may therefore be obſerved, that all the Prohibitions of this Nature were reſtrained to ſome particular Species of Purple. Thus *Julius Cæſar* forbad the Uſe of the *Conchylian* Garments, or the ἁλουργίδες (*b*). And *Nero* afterwards prohibited the ordinary Uſe of the Amethyſtine, or *Tyrian* Purple (*c*). Theſe Conjectures of *Rubenius* need no better Confirmation than that they are repeated and approved by the moſt judicious *Grævius* (*d*).

According to this Opinion, it is an eaſy Matter to reconcile the Conteſt between *Manutius* and *Lipſius*, and the inferior Critics of both Parties, about the Colour of the *Tunic*, the former aſſerting it to be Purple, and the other White: For it is evident it might be called either, if we ſuppoſe the

(*a*) *Dacier* on *Horace*. lib. 2. Sat. 5. (*b*) *Sueton. Jul.* cap. 43. (*c*) *Idem Nerone*, cap. 32. (*d*) *Sueton. Jul.* 43. *Otho.* 10. *Domitian.* 10.

Ground-

Ground-Work to have been White, with the Addition of these Purple Lists.

As to the Persons who had the Honour of wearing the *Laticlave*, it may be maintained, that the Sons of those *Senators*, who were *Patricians*, had the Privilege of using this Vest in their Childhood, together with the *Prætexta*. But the Sons of those *Senators* who were not *Patricians*, did not put on the *Laticlave*, till they applied themselves to the Service of the Common-wealth, and to bearing Offices (*a*). Yet *Augustus* changed this Custom, and gave the Sons of any *Senators* Leave to assume the *Laticlave* presently after the Time of their putting on the *Toga Virilis*, though they were not yet capable of Honours (*b*). And by the particular Favour of the Emperors, the same Privilege was allowed to the more splendid Families of the Knights. Thus *Ovid* speaks of himself and Brother, who are known to have been of the *Equestrian* Order:

Interea, tacito, passu, labentibus annis,
Liberior fratri sumpta mihique toga;
Induiturque humeris cum lato purpura clavo, &c. (*c*).

And *Statius* of *Metius Celer*, whom in another Place he terms *Splendidissimus* (*d*), (the proper Stile of the Knights.)

——*Puer hic sudavit in armis*
Notus adhuc tantum majoris munere clavi (*e*).

Besides the Gown and *Tunic*, we hardly meet with any Garments of the *Roman* Original, or that deserve the *Labour* of an Enquiry into their Difference. Yet, among these, the *Lacerna* and the *Penula* occur more frequently than any other. In the old Comment upon *Persius*, Sat. 1. Ver. 68. They are both called *Pallia*; which Identity of Names might probably arise from the near Resemblance they bore one to the other, and both to the *Grecian Pallium*. The *Lacerna* was first used in the camp, but afterwards admitted into the City, and worn upon their Gowns to defend them from the Weather. The *Penula* was sometimes used with the same Design, but, being shorter and fitter for Expedition, it was chiefly worn upon a Journey (*f*).

Rubenius will have the *Lacerna* and the *Penula* to be both close-bodied Kind of Frocks, girt about in the Middle, the

(*a*) See *Pliny*, Lib. 8. *Epist.* 23. (*b*) *Sueton. Aug.* cap. 37. (*c*) *Tristium* l. iii. *Eleg.* 10. (*d*) *Præfat. ad* l. 3. *Sylvarum*. (*e*) *Sylv.* l. 3. *carm.* 2. (*f*) See *Lipsi. Elect.* l. 1. c. 13. & Dr. *Holyday* on *Juvenal*, Sat. 1.

only

only Difference between them being, that the *Penulæ* were always brown, the *Lacerna* of no certain Colour; and that the *Cucullus*, the Cowl or Hood, was ſewed on the former, but worn as a diſtinct Thing from the other (*a*). But *Ferrarius*, who has ſpent a whole Book in animadverting on that Author, wonders that any Body ſhould be ſo ignorant, as not to know theſe two Garments to have been of a quite diſtinct Species (*b*).

It will be expected that the Habits of the *Roman* Prieſts ſhould be particularly deſcribed; but we have no certain Intelligence, only what concerns the Chief of them, the Augurs, the Flamens, and the Pontifices. The Augurs wore the *Trabea* firſt dyed with Scarlet, and afterwards with Purple. *Rubenius* takes the Robe which *Herod* in Deriſion put on our Saviour to have been of this Nature, becauſe St. *Matthew* calls it Scarlet, and St. *Luke* Purple. *Cicero* uſeth *Dibaphus (a Garment twice dyed)* for the Augural Robe (*c*).

The proper Robe of the *Flamens* was the *Læna*, a Sort of Purple *Chlamys*, or almoſt a double Gown, faſtened about the Neck with a Buckle or Claſp. It was interwoven curiouſly with Gold, ſo as to appear very ſplendid and magnificent. Thus *Virgil* deſcribes his Hero in his Habit,

> *——Tyrioque ardebat murice læna*
> *Demiſſa ex humeris: dives quæ munera Dido*
> *Fecerat, & tenui telas diſcreverat auro.* Æn. iv. 262.

The Pontiffs had the Honour of uſing the *Prætexta*; and ſo had the *Epulones*, as we learn from *Livy*, Lib. 43.

The Prieſts were remarkable for their Modeſty of Apparel, and therefore they made uſe only of the common Purple, never affecting the more chargeable and ſplendid. Thus *Cicero*, *Veſtitus aſper noſtra hac purpura plebeia ac pene fuſca* (*d*). He calls it *our Purple*, becauſe he himſelf was a Member of the College of *Augurs*.

There are two farther Remarks which may be made in Reference to the Habits in general. Firſt, that, in the Time of any public Calamity, it was an uſual Cuſtom to change their Apparel, as an Argument of Humility and Contrition; of which we meet with many Inſtances in Hiſtory. On ſuch Occaſions the Senators laid by the *Laticlave*, and appeared only in the Habit of Knights: The Magiſtrates threw aſide the *Prætexta*, and came abroad in the Senatorian Garb:

(*a*) *De Laticlav.* lib. 1. cap. 6. (*b*) *Analect de Re Veſt.* cap. ult.
(*c*) *Epiſt. Famil.* lib. 2. *Epiſt.* 16. (*d*) *Pro Sextio.*

The

The Knights left off their Rings, and the Commons changed their Gowns for the *Sagum* or Military Coat (*a*).

The other Remark is the Obſervation of the great *Caſaubon*, that the Habit of the Antients, and particularly of the *Romans*, in no Reſpect differed more from the Modern Dreſs, than in that they had nothing anſwering to our Breeches and Stockings, which if we were to expreſs in *Latin*, we ſhould call *femoralia* and *tibialia*. Yet, inſtead of theſe, under their lower Tunics or Waiſtcoats, they ſometimes bound their Thighs and Legs round with Silken Scarfs or *faſciæ*; though theſe had now and then the Name of *fæminalia*, or *femoralia* and *tibialia*, from the Parts to which they were applied (*b*).

As to the Habit of the other Sex, in the antient Times of the Common-wealth, the Gown was uſed alike by Men and Women (*c*). Afterwards the Women took up the *Stola* and the *Palla* for their ſeparate Dreſs. The *Stola* was their ordinary Veſt, worn within Doors, coming down to their Ankles: When they went abroad they flung over it the *Palla* or *Pallium*, a long open Manteau (*d*), which covered the *Stola* and their whole Body. Thus *Horace*,

Ad talos ſtola demiſſa & circumdata palla (*e*).

And *Virgil*, deſcribing the Habit of *Camilla*,

Pro crinali auro, pro longæ tegmine pallæ,
Tigridis exuviæ per dorſum a vertice pendent (f).

Rubenius has found this Difference in the *Stolæ*, that thoſe of the ordinary Women were white, trimmed with golden Purls (*g*):

They dreſſed their Heads with what they called *Vittæ* and *Faſciæ*, Ribbons and thin Saſhes; and the laſt Sort they twiſted round their whole Body, next to the Skin, to make them ſlender; to which *Terence* alludes in his *Eunuch* (*h*).

Haud ſimilis virgo eſt virginum noſtrarum; quas matres ſtudent
Demiſſis humeris eſſe, vinctо pectore, ut graciles ſient.

The former, *Ovid* makes to be the diſtinguiſhing Badge of honeſt Matrons and chaſte Virgins.

Eſte procul vittæ tenues, inſigne pudoris (*i*).

(*a*) See *Ferrar. de Re Veſtiar* lib. 1. cap. 27. (*b*) *Sueton. Auguſt.* cap. 82. *Caſaubon ad locum.* (*c*) *Vid. Ferrar. de Re Veſt.* lib. 2. cap. 17 (*d*) *Dacier* on *Horace*, lib. 1. Sat. 2. ver. 99. (*e*) *Horace*, ibid. (*f*) *Æn.* 11. *ver.* 576. (*g*) *De Laticlav.* lib. 1. cap. 16. (*h*) *Act.* 2. *Scen.* 3. (*i*) *De Art. Amand.* lib. 1.

And

And describing the chaste *Daphne*, he says,

Vitta coercebat positos sine lege capillos (*a*).

It is very observable, that the common Courtezans were not allowed to appear in the *Stola*, but obliged to wear a Sort of Gown, as a Mark of Infamy, by Reason of its Resemblance to the Habit of the opposite Sex. Hence in that Place of *Horace*,

———*Quid inter*———

Est, in matrona, ancilla, peccesve togata? L. 1. S. 2. V. 53.

The most judicious *Dacier* understands by *Togata* the Courtezan, in Opposition both to the Matron and the Serving-Maid.

Some have thought that the Women wore the *Lacerna* too: But the Rise of this Opinion is owing to their Mistake of that Verse in *Juvenal*,

Ipse lacernatæ cum se jactaret amicæ.

Where it must be observed that the Poet does not speak of the kept Mistresses, but of the Eunuch *Sporus*, upon whom *Nero* made an Experiment in order to change his Sex. So that *Juvenal's Lacernata amica* is no more than if we should say a *Mistress in Breeches*.

The Attire of the Head and Feet will take in all that remains of this Subject. As to the first of these, it has been a former Remark that the *Romans* ordinarily used none, except the Lappet of their Gown; and this was not a constant Cover, but only occasional, to avoid the Rain, Sun, or other accidental Inconveniencies. Hence it is that we see none of the old Statues with any thing on their Heads, except now and then a Wreath, or something of that Nature. *Eustathius*, on the first of the *Odysses*, tells us that the *Latins* derived this Custom of going bare-headed from the *Greeks*, it being notorious, that in the Age of the Heroes, no Kind of Hats or Caps were at all in Use: Nor is there any such Thing to be met with in *Homer*. Yet at some particular Times we find the *Romans* using some Sort of Covering for the Head: as at the *Sacrifices*, at the public Games, at the Feast of *Saturn*, upon a Journey, or a warlike Expedition. Some Persons too were allowed to have their Heads always covered, as Men who had been lately made free, and were thereupon shaved close on their Head, might wear the *Pileus*, both as a Defence from the Cold, and as a Badge of their Liberty. And the same Privilege was granted to Persons under any Indisposition (*b*).

(*a*) *Metamorph.* lib. 1. Fab. 9. (*b*) *Lipsius de Amphitheat.* cap. 19.

As

As for the ſeveral Sorts of Coverings deſigned for theſe Uſes, many of them have been long confounded beyond any Poſſibility of a Diſtinction; and the learned *Salmaſius* (*a*) has obſerved, that the *Mitra*, and the *Pileus*, the *Cucullus*, the *Galerus*, and the *Palliolum*, were all Coverings of the Head, very little differing from one another, and promiſcuouſly uſed by Authors; however, there are ſome of them which deſerve a more particular Enquiry.

The *Galerus*, *Voſſius* (*b*) derives from *Galea*, the *Roman* Helmet, to which we muſt ſuppoſe it to have born ſome Reſemblance. *Servius*, when he reckons up the ſeveral Sorts of the Prieſts Caps, makes the *Galerus* one of them, being compoſed of the Skin of the Beaſt offered in Sacrifice: The other two being the *Apex*, a ſtitched Cap in the Form of a Helmet, with the Addition of a little Stick fixed on the Top, and wound about with white Wool, properly belonging to the *Flamines*; and the *Tutulus*, a woollen Turban, much like the former, proper to the High-Prieſt. By the *Galerus* it is likely he means the *Albo Galerus*, made of the Skin of a white Beaſt offered in Sacrifice, with the Addition of ſome Twigs taken from a wild Olive-Tree, and belonging only to *Jupiter's Flamen:* Yet we find a Sort of *Galerus* in Uſe among the ordinary Men, and the *Galericulum* (which ſome call *Galerus*) common to both Sexes: This was a Skin ſo neatly dreſſed with Men or Womens Hair, that it could not eaſily be diſtinguiſhed from the Natural; it was particularly uſed by thoſe who had thin Heads of Hair, as *Suetonius* reports of *Nero* (*c*); as alſo by the Wreſtlers, to keep their own Hair from receiving any Damage by the offenſive Oils with which they were rubbed all over before they engaged. This we learn from *Martial*'s Diſtich on the *Galericulum:* xiv. 50.

Ne lutet immundum nitidos ceroma capillos,
Hac poteris madidas condere pelle comas.

The *Pileus* was the ordinary Cap or Hat worn at public Shows and Sacrifices, and by the freed Men. For a Journey they had the *Petaſus*, differing only from the former in that it had broader Brims, and bore a nearer Reſemblance to our Hats, as appears from the common Pictures of *Mercury*; and hence it took its Name from πετάννυμι, to open or ſpread out (*d*).

(*a*) *In Vopiſ.* & Græv. *in* Sueton. Claud. 2. (*b*) Cap. 12. (*c*) *Voſſius Etymolog. in v. Petaſus.* (*d*) *Lipſius de Amphitheat.* cap. 19.

The

The *Mitra*, the *Tiara*, and the *Diadem*, though we often meet with them in *Roman* Authors, are none of them beholden to that Nation for their Original. The Mitre ſeems to owe its Invention to the *Trojans*, being a crooked Cap tied under the Chin with Ribbons: It belonged only to the Women among the *Romans*, and is attributed to the foreign Courtezans that ſet up their Trade in that City, ſuch as the

——— *picta lupa barbara mitra*

in *Juvenal*; yet among the *Trojans* we find it in Uſe among the Men. Thus *Romulus* ridicules them in *Virgil*,

Et tunicæ manicas & habent redimicula mitræ:
O vere Phrygiæ; neque enim Phryges (a)!

And even *Æneas* himſelf is by *Iarbas* deſcribed in this Dreſs,

Mæonia mentum mitra crinemque madentem
Subnexus. Æn. 4. 216.

The *Tiara* was a Cap of State uſed by all the Eaſtern Kings and great Men, only with this Difference, that the Princes wore it with a ſharp ſtrait Top, and the Nobles with the Point a little bending downwards (*b*).

The *Diadem* belonged to the Kings of *Rome* as well as to the foreign Princes: This ſeems to have been no more than a white Scarf or *Faſcia* bound about the Head, like that which compoſeth the *Turkiſh* Turban. Thoſe, who are willing to find ſome nearer Reſemblance between the *Diadem* and our modern Crowns, may be convinced of their Miſtake from that Paſſage of *Plutarch*, where he tells us of a Princeſs that made Uſe of her Diadem to hang herſelf (*c*).

Theſe white *Faſciæ* among the *Romans* were always conſidered as the Marks of Sovereignty; and therefore when *Pompey* the Great appeared commonly abroad with a white Scarf wound about his Leg, upon Pretence of a Bruiſe or an Ulcer, thoſe who were jealous of his growing Power, did not fail to interpret it as an Omen of his affecting the ſupreme Command; and one *Favonius* plainly told him, it was a Matter of Indifference on what Part he wore the *Diadem*, the Intention being the ſame (*d*).

To deſcend to the Feet, the ſeveral Sorts of the *Roman* Shoes, Slippers, *&c.* which are moſt frequently to be met with in reading, are the *Perones*, the *Calcei lunati*, the *Mullei*, the *Soleæ* and *Crepidæ*, and the *Caligæ*; beſides the *Cothurnus* and *Soccus*, which have been already deſcribed.

(*a*) Æn. 9. 616. (*b*) *Dempſter ad Roſin.* lib. 5. cap. 35. (*c*) *Plut.* in *Lucull.* (*d*) *Valer. Max.* lib. 6. cap. 2.

The

The *Perones* were a Kind of high Shoes, rudely formed of raw Hides, and reaching up to the Middle of the Leg: They were not only uſed by the Country People, as ſome imagine, but in the City too by Men of ordinary Rank; nay, *Rubenius* avers, that in the moſt antient Times of the Common-wealth, the Senators, as well as others, went in the *Perones* (*a*): However, when they came to be a little poliſhed, they left this clumſy Wear to the Ploughmen and Labourers, and we ſcarce find them applied to any one elſe by the Authors of the flouriſhing Ages. Thus *Perſius* brings in the

——*Peronatus arator*; S. 5. V. 102.

And *Juvenal*,

——*Quem non pudet alto*
Per glaciem perone tegi.——S. 14. V. 186.

Virgil, indeed, makes ſome of his Soldiers wear the *Pero*; but then they were only a Company of Ruſtics, *Legio agreſtis*, as he calls them; beſides, they wore it but on one Foot:

——*Veſtigia nuda ſiniſtri*
Inſtituere pedis, crudus tegit altera pero. Æn. 7. 690.

The *Calcei lunati* were proper to the Patricians, to diſtinguiſh them from the Vulgar, ſo called from an Half-moon of Ivory worn upon them. *Baldwin* will have the Half-moon to have ſerved inſtead of a *Fibula* or Buckle (*b*); but *Rubenius* (*c*) refutes this Conjecture, by ſhewing from *Philoſtratus*, that it was worn by Way of Ornament, not on the Forepart of the Shoe, like the Buckle, but about the Ancle. *Plutarch*, in his *Roman* Queſtions, gives ſeveral Reaſons why they uſed the Half-moon rather than any other Figure; but none of them have met with Approbation from the Learned. The common Opinion makes this Cuſtom an Alluſion to the Number of Senators at their firſt Inſtitution, which, being 100, was ſignified by the numeral Letter C.

Yet the *Patricians*, before they arrived at the Senatorian Age, and even before they put on the *prætexta*, had the Privilege of uſing the Half-moon on their Shoes. Thus *Statius*, Sylv. v. 2, 27.

Sic te clare puer genitum ſibi curia ſenſit:
Primaque Patriciâ clauſit veſtigiâ luna.

(*a*) *De Laticlav.* lib. 2. cap. 1. (*b*) *De Calceo Antiq.* cap. 9. (*c*) *De Laticlav.* lib. 2. cap. 4.

The Senators who were not *Patricians* did not indeed wear the Half-moon; but that Ornament ſeems not to have been the only Difference between the Senatorian and the common Shoes; for the former are commonly repreſented as black, and coming up to the Middle of the Leg; as in *Horace*, Book i. Sat. 6. 27.

———*Nigris medium impediit crus*
Pellibus.

Rubenius will have this underſtood only of the four Black Straps, which he ſays faſtened the Senators Shoes being tied pretty high on the Leg (*a*). *Dacier* tells us the Senators had two Sorts of Shoes, one for Summer, and the other for Winter. The Summer Shoes he deſcribes with ſuch leather Straps croſſing one another many Times about the Leg, and nothing but a Sole at the Bottom: Theſe he calls *Campagi*; though *Rubenius* attributes this Name to a Sort of *Caligæ* worn by the Senators under the late Emperors (*b*). The Winter Shoes, he ſays, were made of an entire Black Skin, or ſometimes of a white one, reaching up to cover the greateſt Part of the Leg, without any open Place, except on the Top (*c*).

It is uncertain whether the *Calcei Mullei* were ſo called from the Colour of the Mullet, or whether they gave a Name to that Fiſh from their reddiſh Dye. They were at firſt the peculiar Wear of the *Alban* Kings, afterwards of the Kings of *Rome*, and, upon the Eſtabliſhment of the free State, were appropriated to thoſe Perſons who had born any *Curule* Office; but perhaps they might be worn only on great Days, at the Celebration of ſome public Sports, when they were attired in the whole triumphal Habit, of which too theſe Shoes made a Part. *Julius Cæſar*, as he was very ſingular in his whole Habit, ſo was particularly remarkable for wearing the *Mullei* on ordinary Days; which he did to ſhew his Deſcent from the *Alban* Kings (*d*). In Colour and Faſhion they reſembled the *Cothurni*, coming up to the middle Leg; though they did not cover the whole Foot, but only the Sole, like Sandals (*e*). *Dacier* informs us, that when the Emperors took up the Uſe of theſe red Shoes, the *Curule* Magiſtrates changed the Faſhion for embroidered ones (*f*).

The *Roman Soleæ* were a Sort of Sandals, without any Upper-leather; ſo that they covered only the Sole of the

(*a*) *De Re Veſt* lib. 2. cap 3. (*b*) *Ibid.* cap. 5. (*c*) *Dacier* on *Horace*, Book 1. Sat. 6. (*d*) *Dio.* lib. 49. (*e*) Lib. 2. cap. 2. (*f*) *Dacier* on *Horace*, Book 1. Sat. 6.

Foot

Foot, being faſtened above with Straps and Buckles These were the ordinary Faſhion of the Women, and therefore counted ſcandalous in the other Sex: Thus *Cicero* expoſed *Verres* (*a*), and *Clodius* (*b*), for uſing this indecent Wear; and *Livy* acquaints us, that the great *Scipio* was cenſured on the ſame Account (*c*): Yet upon all Occaſions of Mirth and Recreation, or lawful Indulgence, it was cuſtomary for the Men to go thus looſely ſhod; as at Entertainments, and at the public Shows of all Sorts in the Circos or Amphitheatres.

The *Crepidæ*, which now and then occur in *Roman* Authors, are generally ſuppoſed to be the ſame as the *Soleæ*, under the *Greek* Name κρηπίδες. But *Baldwin* is ſo nice as to aſſign this Difference, that the *Crepida* had two Soles, whereas the *Solea* conſiſted but of one: Therefore he is not willing to be be beholden to the *Greeks* for the Word, but thinks it may be derived from the *Crepitus*, or *Creaking* that they made, which could not be ſo well conceived in thoſe which had but a ſingle Leather (*d*). That the *Græcian* κρηπίδες, did really make ſuch a Kind of Noiſe, (which we cannot eaſily imagine of the *Soleæ*,) is plain from the common Story of *Momus*; who, being brought to give his Cenſure of *Venus*, could find no Fault, only that her κρηπὶς, or Slipper, creaked a little too much.

The *Caliga* was the proper Soldier's Shoe, made in the Sandal Faſhion, ſo as not to cover the upper Part of the Foot, though it reached to the Middle of the Leg. The Sole was of Wood, like the *Sabots* of the *French* Peaſants, and ſtuck full of Nails. Theſe Nails were uſually ſo very long in the Shoes of the Scouts and Centinels, that *Suetonius* (*e*) and *Tertullian* (*f*) call thoſe *Caligæ Speculatores*, as if, by mounting the Wearer to a higher Pitch, they gave a greater Advantage to the Sight.

It was from theſe *Caligæ*, that the Emperor *Caligula* took his Name, having been born in the Army, and afterwards bred up in the Habit of a common Soldier (*g*). And hence *Juvenal* (*h*), and *Suetonius* (*i*), uſe *Caligati* for the common Soldiers, without the Addition of a Subſtantive.

(*a*) *Verrin.* 4. (*b*) *De Haruſp. Reſponſ.* (*c*) Lib. 29. (*d*) *Baldwin Calc. Antiq.* cap. 13. (*e*) *Caligul.* cap. 52. (*f*) *De Coron. Milit.* (*g*) *Sueton. Caligul.* cap. 9. (*h*) Sat. 16. v. 24. (*i*) *Auguſt.* 25.

CHAP. IX.

Of the ROMAN *Marriages.*

THE Marriages of the *Romans*, which have been learnedly explained by ſo many eminent Hands, as the great Lawyers *Tiraquel*, *Sigonius*, *Briſſonius*, and the two *Hottomans*, will appear very intelligible from a diligent Enquiry into the Eſpouſals, the Perſons that might lawfully marry with one another, the proper Seaſon for Marriage, the ſeveral Ways of contracting Matrimony, the Ceremonies of the Wedding, and the Cauſes and Manner of Divorces.

The Eſpouſals, or Contract before Marriage, was performed by an Engagement of the Friends on both Sides, and might be done as well between abſent Perſons as preſent, as well in Private as before Witneſſes; yet the common Way of betrothing was by Writings drawn up by common Conſent, and ſealed by both Parties. Thus *Juvenal*, Sat. vi. 199.

Si tibi legitimis, pactam junctamque tabellis
Non es amaturus.

And again, Sat. x. 336.

———*Veniet cum Signatoribus auſpex,*

Beſides this, the Man ſent a Ring as a Pledge to the Woman, which in *Pliny*'s Time uſed to be of Iron, without any Stone in it (*a*). Thus the ſame Satyriſt,

Conventum tamen & pactum & ſponſalia, noſtra
Tempeſtate paras, jamque a tonſore magiſtro
Pecteris, & digito pignus fortaſſe dediſti. Sat. vi. 25.

There was no Age determined by the Laws for Eſpouſals, but they might be made at any Time, provided that both Parties were ſenſible of the Obligation, which they were not ſuppoſed to be till their 7th Year; yet *Auguſtus* afterwards ordered that no Eſpouſals ſhould be eſteemed valid, except ſuch as were conſummated within two Years Time (*b*).

No *Roman* might marry with any other than a *Roman*; but then this was extended to any free Denizen of the City,

(*a*) *Plin. Nat. Hiſt.* lib. 33. cap. 1. (*b*) *Sueton. Aug.* cap. 34.

though

though born in any other Parts; for thus *Dionyſius* (*a*) reports of the *Latins*, *Livy* (*b*) of the *Campanians*, and *Cicero* (*c*) of the Inhabitants of *Africa*. Yet in *Rome* we meet with one eminent Reſtraint about theſe Matters, and that is a Law of the *Decemviri*, prohibiting any Marriage between the *Patrician* Families and the *Plebeians*. But within ſeven or eight Years, the Commons had given ſo many dangerous Tokens of their Reſentment of this Injury, that upon the Motion of *Canuleius*, *Tribune* of the People, the *Conſuls* were forced to give Conſent to the enacting of a contrary Decree, allowing a free Alliance in Marriage between Perſons of all Orders and Degrees (*d*).

The *Romans* were very ſuperſtitious in Reference to the particular Time of Marriage, fancying ſeveral Days and Seaſons very unfortunate to this Deſign: The *Kalends*, *Nones*, and *Ides* of every Month, were ſtrictly avoided; ſo was the whole Feaſt of the *Parentalia* in *February*, as *Ovid* obſerves, *Faſtor.* 2. 561.

Conde tuas, Hymenæe, faces, & ab ignibus atris
Aufer; habent alias mœſta ſepulchra faces.

Go, *Hymen*, ſtop the long expecting Dames,
And hide thy Torches from the diſmal Flames;
Thy Preſence would be fatal while we mourn,
And at ſad Tombs muſt other Tapers burn.

The whole Month of *May* was looked on as ominous to contracting Matrimony, as *Plutarch* acquaints us in his *Roman* Queſtions, and *Ovid*, Faſt. 5. 487.

Nec viduæ tædis eadem, nec virginis apta
Tempora, quæ nupſit nec diuturna fuit.
Hac quoque de cauſa, ſi te proverbia tangunt,
Menſe malas Maio nubere vulgus ait.

No Tapers then ſhould burn, nor ever Bride
Link'd at this Seaſon long her Bliſs enjoy'd;
Hence our wiſe Maſters of the Proverbs ſay,
The Girls are all ſtark naught that wed in May.

In ſhort, the moſt happy Seaſon, in all Reſpects, for celebrating the Nuptial Solemnity, was that which followed the Ides of *June*. Thus *Ovid*, ſpeaking of his Daughter:

Hanc ego cum vellem genero dare, tempora tædis
Apta requirebam, quæque cavenda forent.

(*a*) Lib. 6. (*b*) Lib. 38. (*c*) *In Philipp.* (*d*) *Liv.* Lib. 4.

Tunc mihi poſt ſacras monſtratur Junius *Idus*
Utilis & nuptis, utilis eſſe viris. Faſt. vi. 221.

Reſolv'd to match the Girl, I try'd to find
What Days unproſp'rous were, what Moons were kind:
After *June*'s ſacred Ides my Fancy ſtay'd,
Good to the Man, and happy to the Maid.

The three Ways of contracting Matrimony were, *farre*, *coemptione*, and *uſu*, which fall properly under the Conſideration of the Civil Law; the main Difference of them, was this: *Confarreatio* was, when the matrimonial Rites were performed with ſolemn Sacrifices, and Offerings of burnt Cakes, by the *Pontifex Maximus*, and the *Flamen Dialis*. *Pliny* ſays this was the moſt ſolemn Tie of all (*a*); yet we are aſſured, that after ſome Time, it was almoſt univerſally laid aſide, as thought to include too many troubleſome Ceremonies (*b*). A Divorce, after this Way of Marriage, *Feſtus* calls *Diffarreatio*. *Coemptio* was, when the Perſons ſolemnly bound themſelves to one another by the Ceremony of giving and taking a Piece of Money. The Marriage was ſaid to be made *by Uſe*, when, with the Conſent of her Friends, the Woman had lived with the Man a whole Year compleat, without being abſent three Nights; at which Time ſhe was reckoned in all Reſpects a lawful Wife, though not ſo cloſely as in the former Caſes.

The Nuptial Ceremonies were always begun with taking of Omens by the *Auſpices*. Hence *Tully*, *Nubit genero ſocrus nullis auſpicibus, nullis auctoribus, funeſtis ominibus avium* (*c*).

In dreſſing the Bride, they never omitted to divide her Locks with the Head of a Spear; either as a Token that their Marriages firſt began by War and the Rape of the *Sabine* Virgins (*d*); or as an Omen of bearing a valiant and warlike Off-ſpring; or to remind the Bride, that, being married to one of a martial Race, ſhe ſhould uſe herſelf to no other than a plain unaffected Dreſs; or becauſe the greateſt Part of the Nuptial Care is referred to *Juno*, to whom the Spear is ſacred, whence ſhe took the Name of *Dea Quiris*; *Quiris* among the Antients ſignifying this Weapon, (*e*). *Ovid* alludes to this Cuſtom in the ſecond of his *Faſti*: 559.

Nec tibi quæ cupidæ matura videbere matri,
Comat virgineas haſta recurva comas.

(*a*) Lib. 18. cap. 2. (*b*) *Tacit. Annal.* 4. (*c*) *Orat. pro Cluent.*
(*d*) *Plutarch* in *Romul.* (*e*) *Idem Quæſt. Rom.* 87.

Thou

Thou whom thy Mother frets to ſee a Maid,
Let no bent Spear thy Virgin Locks divide.

In the next Place they crowned her with a Chaplet of Flowers, and put on her Veil or *Flammeum*, proper to this Occaſion. Thus *Catullus:* lix. 6.

Cinge tempora floribus
Suaveolentis amaraci:
Flammeum cape.

And *Juvenal*, deſcribing *Meſſalina*, when about to marry *Silius:*

———*Dudum ſedet illa parato*
Flammeolo. Sat. 10.

Inſtead of her ordinary Cloaths, ſhe wore the *Tunica recta*, or common *Tunic*, called *recta* from being woven upwards, of the ſame Nature with that which the young Men put on with their *Manly Gown* (*a*); this was tied with a Girdle, which the Bridegroom was to unlooſe.

Being thus dreſſed, in the Evening ſhe was led towards the Bridegroom's Houſe by three Boys habited in the *Prætexta*, whoſe Fathers and Mothers were alive. Five Torches were carried to light her; for which particular Number, *Plutarch* has aſſigned ſeveral Reaſons (*b*). A Diſtaff and a Spindle were likewiſe born along with her, in Memory of *Caia Cæcilia*, or *Tanaquil*, Wife to *Tarquinius Priſcus*, a famous Spinſter (*c*): And on the ſame Account the Bride called herſelf *Caia*, during the Nuptial Solemnity, as a fortunate Name.

Being come to the Door, which was garniſhed with Flowers and Leaves, according to that of *Catullus:* lxii. 293.

Veſtibulum ut molli velatum fronde vireret.

ſhe bound about the Poſts with woollen Liſts, and waſhed them with melted Tallow, to keep out Infection and Sorcery. This Cuſtom *Virgil* alludes to *Æn.* iv. 457.

Præterea fuit in tectis de marmore templum
Conjugis antiqui, miro quod honore colebat,
Velleribus niveis & feſta fronde revinctum.

Being to go into the Houſe, ſhe was not to touch the Threſhold, but was lifted over it. Either becauſe the Threſhold was ſacred to *Veſta*, a moſt chaſte Goddeſs, and ſo ought not to be defiled by one in theſe Circumſtances: Or elſe, that it might ſeem a Piece of Modeſty to be compelled into a Place where ſhe ſhould ceaſe to be a Virgin (*d*).

(*a*) *Pliny*, lib. 8. cap. 48. (*b*) *Rom. Queſt.* 2. (*c*) *Pliny*, lib. 8. cap. 48.
(*d*) *Plutarch. Rom. Queſt.* 1. *Servius* ad *Virgil. Eclog.* 8.

Upon her Entrance, ſhe had the Keys of the Houſe delivered to her, and was preſented by the Bridegroom with two Veſſels, one of Fire, the other of Water; either as an Emblem of Purity and Chaſtity, or as a Communication of Goods, or as an Earneſt of ſticking by one another in the greateſt Extremities (*a*).

And now ſhe and her Companions were entertained by the Bridegroom with a ſplendid Feaſt; on which Occaſion, the Sumptuary Laws allowed a little more Liberty than uſual in the Expences. This Kind of Treat was ſeldom without Muſic, generally of Flutes; the Company all the while ſinging *Thalaſſius*, or *Thalaſſio*, as the *Greeks* did *Hymeneus*. Several Reaſons are given by *Plutarch* (*b*), for the Uſe of this Word: The common Opinion makes it an Admoniſhment to good Houſewifery; the *Greek* Word, ταλασία, ſignifying *Spinning*; and among the Conditions which were agreed upon by the *Sabines* and *Romans*, after the Rape of the Virgins, this was one, that the Women ſhould be obliged to no ſervile Office for their Huſbands, any farther than what concerned Spinning.

At the ſame Time the Bridegroom threw Nuts about the Room for the Boys: Thus *Virgil*, Eclog. 8.

Sparge, marite, nuces———

Out of the many Reaſons given for this Cuſtom, the moſt commonly received makes it a Token of their leaving childiſh Amuſements, and entring on a more ſerious State of Life; whence *Nucibus relictis* has paſſed into a Proverb. This Conjecture is favoured by *Catullus*; lix. 131.

Da nuces pueris, iners
Concubine: Satis diu
Luſiſti nucibus. Lubet
Jam ſervire Thalaſſio.
Concubine, nuces da.

In the mean Time the genial Bed was prepared, and a Set of Matrons, that had been never married but to one Man, placed the Bride on it with great Ceremony. Thus *Catullus*, lix. 186.

Vos bonæ ſenibus viris
Cognitæ bene fœminæ,
Collocate puellullam.
Jam licet venias, marite, &c.

(*a*) *Plutarch. Rom. Queſt.* 1. *Servius* ad *Virgil. Eclog.* 8. (*b*) *Plutarch. Rom. Quæſt.* 2. (*b*) *Idem* in *Romul. & Rom. Queſt.* 31.

Nothing

Nothing now remained but for the Bridegroom to looſe her Girdle, a Cuſtom that wants no Explanation; only it may be obſerved to have been of great Antiquity: Thus *Moſchus* in his Story of *Jupiter* and *Europa:* 160.

——Ζεὺς δὲ πάλιν ἑτέρην ἀνελάζετο μορφὴν,
Λῦσε δέ οἱ πάλιν μίτρην.

Homer Odyſs. 2.

Λῦσεν παρθενικὴν ζώνην.

And *Muſeus* in *Hero* and *Leander:* 272.

Ὡς ἡ μὲν ταῦτ' εἶπεν. ὁ δ' αὐτίκα λύσατο μίτρην,
Καὶ θεσμῶν ἐπέβησαν ἀριζηλὸν Κυθερείης.

There generally attended a Company of Boys, and others ſinging obſcene Verſes, which were tolerated on this Occaſion. They conſiſted of a Kind of *Feſcennine* Rhimes. Hence *Catullus:*

Nec diu taceat procax
Feſcennina locutio.

And *Claudian:*

Permiſſiſque jocis turba licentior
Exultet tetricis libera legibus.

The Day after, the new married Man gave a Supper, and invited all his old Companions to a drinking Match; which they termed *repotia.*

The whole Subject of Divorces belongs entirely to the Lawyers, and the Diſtinction between *repudium* and *divortium* is owing to their Nicety: The firſt they make the breaking off the Contract, or Eſpouſal; and the laſt Separation after actual Matrimony. *Plutarch* mentions a very ſevere Law of *Romulus*, which ſuffered not a Wife to leave her Huſband, but gave a Man the Liberty of turning off his Wife, either upon poiſoning her Children, or counterfeiting his private Keys, or for the Crime of Adultery. But if the Huſband on any other Occaſion put her away, he ordered one Moiety of his Eſtate to be given to the Wife, and the other to fall to the Goddeſs *Ceres*; and that whoſoever ſent away his Wife, ſhould make an Atonement to the Gods of the Earth (*a*). It is very remarkable, that, almoſt ſix hundred Years after the building of the City, one *P. Servilius*, or *Carvilius Spurius*, was the firſt of the *Romans* that ever put away his Wife (*b*).

(*a*) *Plutarch* in *Romul.* (*b*) *Valer. Max.* lib. 2. cap. 1. *Plutarch. Compar. Romul. & Theſ. & Rom.* Qu. 13.

The

The common Way of Divorcing was by ſending a Bill to the Woman containing Reaſons of the Separation, and the Tender of all her Goods which ſhe brought with her; this they termed *repudium mittere*. Or elſe it was performed in her Preſence before ſufficient Witneſſes, with the Formalities of tearing the Writings, refunding the Portion, taking away the Keys, and turning the Woman out of Doors. But however the Law of *Romulus* came to fail, it is certain that in latter Times the Women too, as well as the Men, might ſue a Divorce, and enter on a ſeparate Life. Thus *Juvenal*, Sat. 9. 74.

——*Fugientem ſæpe puellam*
Amplexu rapui: tabulas quoque fregerat, & jam
Signabat.

And *Martial*, Lib. 10. Epigr. 41.

Menſe novo Maii veterem Proculeia maritum
Deſeris, atque jubes res ſibi habere ſuas.

We have here a fair Opportunity to enquire into the Grounds of the common Opinion about borrowing and lending of Wives among the *Romans*. He that chargeth them moſt ſeverely with this Practice, is the moſt learned *Tertullian*, in his *Apology*, ch. 39. *Omnia indiſcreta ſunt apud nos*, &c. "All Things (ſays he ſpeaking of the *Chriſtians*) are "common among us, except our Wives: We admit no "Partnerſhip in that one Thing, in which other Men are "more profeſſedly Partners, who not only make Uſe of their "Friend's Bed, but very patiently expoſe their own Wives to "a new Embrace: I ſuppoſe, according to the Inſtitution of "the moſt wiſe Antients, the *Græcian Socrates*, and the *Ro-*"*man Cato*, who freely lent out their Wives to their Friends!" And preſently after, *O ſapientiæ Atticæ & Romanæ gravitatis exemplum! leno eſt Philoſophus & Cenſor.* "O wondrous Ex-"ample of *Attic* Wiſdom, and of *Roman* Gravity! a Philo-"ſopher and a Cenſor turn Pimps.

Chiefly on the Strength of this Authority, the *Romans* have been generally taxed with ſuch a Cuſtom: And a very great Man of our own Country (*a*) expreſſeth his Compliance with the vulgar Opinion, though he ingenuouſly extenuates the Fault in a parallel Inſtance. So much indeed muſt be granted, that though the Law made thoſe Huſbands liable to a Penalty who either hired out their Wives for Money, or retained them after they had been actually convicted of Adultery, yet the bare Permiſſion of that Crime did not fall under the Notice of

(*a*) *Sir* William Temple's *Introduction to the Hiſt. of* Eng.

the

the civil Power. And *Ulpian* says expressly, *ei qui patitur uxorem suam delinquere, matrimoniumque suum contemnit, quique contaminatione non indignatur, pœna adulterorum non infligitur.* "He that suffers his Wife to defile his Bed, and contemning "his matrimonial Contract, is not displeased at the Pollution, "does not incur the Penalty of Adulterers." But it is almost impossible that this should give Occasion to such a Notion, being no more than what is tolerated at present. It may therefore be alledged in Favour of the *Romans*, that this Opinion might probably have its Rise from the frequent Practice of that Sort of Marriage, according to which a Woman was made a Wife only by Possession and Use, without any farther Ceremony. This was the most incomplete of all conjugal Ties: The Wife being so, rather by the Law of Nature, than according to the *Roman* Constitution; and therefore she was not called *Mater-familias*, nor had any Right to inherit the Goods of her Husband; being supposed to be taken purely on the Account of procreating Issue. So that after the bearing of three or four Children, she might lawfully be given to another Man.

As to the Example of *Cato* (not to urge that *Tertullian* has mistook the *Censor* for him of *Utica*, and so lost the Force of his Sarcasm) the best Accounts of that Matter may be had from *Strabo* and *Plutarch*. The Place of *Strabo* is in his 7th Book. Ἱστοροῦσι δὲ περὶ τῶν Ταπύρων ὅτι αὐτοῖς εἴη νόμιμον τὰς γυναῖκας τὰς γαμετὰς ἐκδιδόναι ἑτέροις ἀνδράσιν, ἐπειδὰν ἐξ αὐτῶν ἀνέλωνται δύο ἢ τρία τέκνα· καθάπερ καὶ Κάτων Ορτησίῳ, δεηθέντι ἐξέδωκε τὴν Μαρκίαν ἐφ' ἡμῶν, κατὰ παλαιὸν Ρωμαίων ἦθος. "They report of these *Tapyrians*, that it is counted lawful "among them to give away their Wives to other Men, after "they have had two or three Children by them: As *Cato* "in our Time, upon the Request of *Hortensius*, gave him "his Wife *Marcia*, according to the old Custom of the *Ro*- "*mans*." Here by ἐκδιδόναι and ἐξέδωκε we should not understand the lending or letting out of Women, but the marrying them to new Husbands; as *Plato* useth ἔκδοσιν συγαλέρων ποιεῖν, "to bestow Daughters in Marriage."

Plutarch, before he proceeds in his Relation, has premised that this Passage, in the Life of *Cato*, looks like a Fable in a Play, and is very difficult to be cleared, or made out with any Certainty. His Narration is taken out of *Thrasea*s, who had it from *Munatius*, *Cato*'s Friend and constant Companion, and is to this Effect:

"*Quintus Hortensius*, a Man of singular Worth, and ap- "proved Virtue, was not content to live in Friendship and "Famili-

" Familiarity with *Cato*, but desired also to be united to " his Family, by some Alliance in Marriage. Therefore " waiting upon *Cato*, he began to make a Proposal about " taking *Cato*'s Daughter *Porcia* from *Bibulus*, to whom " she had already born three Children, and making her " his own Wife; offering to restore her after she had born " him a Child, if *Bibulus* was not willing to part with her " altogether: Adding, that though this, in the Opinion of " Men, might seem strange, yet in Nature it would ap- " pear honest and profitable to the Public, with much more " to the same Purpose. *Cato* could not but express his " Wonder at the strange Project, but at the same time ap- " proved of uniting their Houses: When *Hortensius*, turn- " ing the Discourse, did not hesitate to acknowledge, that " it was *Cato*'s own Wife which he really desired. *Cato*, " perceiving his earnest Inclinations, did not deny his Re- " quest, but said that *Philip*, being the Father of *Marcia*, " ought also to be consulted. *Philip*, being sent for, came, " and finding they were all agreed, gave his Daughter *Mar-* " *cia* to *Hortensius*, in the Presence of *Cato*, who himself " also assisted at the Marriage."

So that this was nothing like lending a Wife out, but actually marrying her to another while her first Husband was alive, to whom she might be supposed to have come by that Kind of Matrimony which is founded in the Right of Possession. And upon the whole, the *Romans* seem to have been hitherto unjustly taxed with the Allowance of a Custom not usually practised among the most barbarous and savage Nations.

CHAP. X.

Of the ROMAN *Funerals.*

THE most antient and generally received Ways of Burying, have been Interring and Burning; and both these we find at the same Time in Use among the *Romans*, borrowed in all Probability from the *Grecians*. That the *Grecians* interred their dead Bodies, may be evinced from the Story of the *Ephesian* Matron in *Petronius*, who is described sitting and watching her Husband's Body laid in a Vault. And from the Argument which *Solon* brought to justify the Right of the *Athenians* to the Isle of *Salamis*, taken from the dead Bodies

Bodies which were buried there not after the Manner of their Competitors the *Megarenſians*, but according to the *Athenian* Cuſtom; for the *Megarenſians* turned the Corpſe to the Eaſt, and the *Athenians* to the Weſt; and that the *Athenians* had a diſtinct Sepulchre for each Body, whereas the *Megarenſians* put two or three into one (*a*). That the ſame People ſometimes burnt their Dead is beyond Diſpute, from the Teſtimony of *Plutarch*, who, ſpeaking of the Death of *Phocion*, tells us, that for ſome Time none of the *Athenians* dared light a Funeral Pile to burn the Body, after their Manner. As alſo from the Deſcription of the Plague of *Athens* in *Thucydides*, ἐπὶ πυρὰς γὰρ ἀλλοίας, &c. with the Tranſlation of which Paſſage *Lucretius* concludes his Poem.

Namque ſuos conſanguineos aliena rogorum
Inſuper exſtructa ingenti clamore locabant,
Subdebantque faceis, multo cum ſanguine ſæpe
Rixantes potius quam corpora deſererentur.

To prove that both theſe Ways of Burial were uſed by the *Romans*, is almoſt unneceſſary; for Burning is known by every one to have been their common Practice. And as for Interring, their great Lawgiver *Numa* particularly forbad the Burning of his own Body, but commanded it to be laid entire in a Stone Coffin (*b*). And we learn from *Cicero* (*c*), and *Pliny* (*d*), that the Family of the *Cornelii* interred their Dead all along till the Time of *Sylla* the *Dictator*, who in his Will gave expreſs Order to have his Body burnt; probably to avoid the Indignities that might have been offered it after Burial by the *Marian* Faction, in Return for the Violence ſhewn by *Sylla*'s Soldiers to the Tomb and Remains of *Marius*.

But though Burning was the ordinary Cuſtom, yet in ſome particular Caſes it was poſitively forbid, and looked on as the higheſt Impiety. Thus Infants, who died before breeding of Teeth were buried (*e*),

——*Terrâ clauditur infans,*
Et minor igne rogi. Juvenal. Sat. 15.

The Place, ſet apart for the Interment of ſuch Infants, was called *Suggrundarium*. The ſame Superſtition was obſerved in Reference to Perſons who had been ſtruck with Lightning (*f*). For they were never burnt, but after ſeveral Ce-

(*a*) *Plutarch.* in *Solon.* (*b*) *Plutarch.* in *Num.* (*c*) *De Leg.* lib. 2. (*d*) *N. H.* lib. 7. cap. 54. (*e*) *Idem.* lib. 7. cap. 16. (*f*) *Idem.* lib. 2. cap. 54.

remonies

remonies performed by the *Auſpices*, and the Sacrifice of a Sheep, were interred, or ſometimes ſuffered to lie upon the Ground where they had fallen. In both Caſes the Place was immediately incloſed either with a Stone Wall, or Stakes, or ſometimes only with a Rope, having the Name of *Bidental* from the *Bidens* or Sheep that was ſacrificed. *Perſius* uſeth *Bidental* for the Perſon that had come to this unhappy End. Sat. ii. 26.

An quia non fibris ovium, Ergennaque jubente,
Triſte jaces lucis, evitandumque bidental.

For they thought that where-ever a Thunder-bolt fell, the Gods had a particular Deſire to have the Place ſacred to their Worſhip; and therefore, whether a Man had been killed or no, they uſed the ſame Superſtition in conſecrating the Ground (*a*).

The ſeveral Sorts of Funerals fall under the common Heads of *Funus indictivum* and *Funus tacitum*. The *Funus indictivum* had its Name *ab indicendo*, from inviting, becauſe on ſuch Occaſions there was made a general Invitation of the People by a public Crier. This was celebrated with extraordinary Splendor and Magnificence, the People being preſented with public Shows. The *Funus Publicum*, which we meet with ſo often, may be ſometimes underſtood as the ſame with the *Indictive* Funeral, and ſometimes only as a Species of it. It is the ſame when it denotes all the State and Grandeur of ſuch Funerals as were held for rich and great Men. It is only a Species of the *Indictive* Funeral, when either it ſignifies the proclaiming of a *Vacation*, and an Injunction of public Mourning, or defraying the Charges of the Funeral out of the public Treaſury. For it is probable that at both theſe Solemnities, a general Invitation was made by the Crier; yet in this latter it was done by Order of the Senate, and in the former the Will of the deceaſed Perſon, or at the Pleaſure of his Heirs. But no one will hence conclude, that the Funerals of all ſuch rich Men were attended with the Formality of a *Vacation*, and an Order for public Grief. For this was accounted the greateſt Honour that could be ſhewn to the Bodies of Princes themſelves: Thus the Senate decreed a public Funeral for *Syphax*, the once great King of *Numidia*, and for *Perſes*, King of *Macedon*, who both died in Priſon under the Power of the *Ro-*

(*a*) *Dacier* on *Horace* Art. Poet. *ver.* 471.

mans


nſecratio ſue
peratoris
Indigetatio poſt
Obitum
Or do
FUNERIS

mans (*a*). And *Suetonius* informs us, that *Tiberius* (*b*), and *Vitellius* (*c*), were buried with the same State. Yet upon Account of having performed any signal Service to the Common-wealth, this Honour was often conferred on private Men, and sometimes even upon Women, as *Dio* relates of *Attia* the Mother of *Julius Cæsar* (*d*); and *Xiphilin* of *Livia* (*e*). Nor was this Custom peculiar to the *Romans*; for *Laertius* reports of *Democritus*, that deceasing, after he had lived above an hundred Years, he was honoured with a *public Funeral*. And *Justin* tells us, that the Inhabitants of *Marseilles*, then a *Græcian* Colony, upon the News of *Rome*'s being taken by the *Gauls*, kept a *public Funeral* to testify their Condolence of their Calamity (*f*).

There seem to have been different Sorts of *public Funerals* in *Rome*, according to the Magistracies, or other Honours, which the deceased Persons had born. As the *Prætorium*, the *Consulare*, the *Censorium*, and the *Triumphale*. The two last were by much the more magnificent, which though formerly distinguished, yet in the Time of the Emperors, were joined in one, with the Name of *Funus Censorium* only, as *Tacitus* often useth the Phrase. Nor was the *Censorium* Funeral confined to private Persons, but the very Emperors themselves were honoured with the like Solemnity after their Deaths, as *Tacitus* reports of *Claudius* (*g*) and *Capitolinus* of *Pertinax*.

The *Funus Tacitum*, opposed to the *Indictive*, or public Funeral, was kept in a private Manner, without the Solemnization of Sports, without Pomp, without a Marshaller, or a general Invitation. Thus *Seneca de Tranquil. Anim. Morti natus es: minus molestiarum habet funus tacitum.* And *Ovid.* Trist. 1. Eleg. 3. 259.

Quocunque aspiceres, luctus gemitusque sonabant,
*Formaque non taciti funeris * instar erat.* * intus.

This is the same that *Capitolinus* calls *Funus vulgare*, when he reports, that *Marcus Antoninus* was so extremely munificent, as to allow even *vulgar Funerals* to be kept at the Charge of the Public. *Propertius* calls it *plebeium funus.*

——*Adsint*
Plebeii parvæ funeris exequiæ. Lib. 2. El. 12. 23.

Ausonius, *funus commune.*

Tu gremio in proavi funus commune locatum.

(*a*) *Val. Max.* lib. 5. cap. 1. (*b*) cap. 75. (*c*) cap. 3. (*d*) Lib. 47. (*e*) *In Tiberio.* (*f*) lib. 43. (*g*) *Annal.* 12.

And

And *Suetonius*, *funus tranſlatitium*, when he informs us that *Britannicus* was buried after this Manner by *Nero* (*a*).

To the *Silent* Funerals may be referred the *Funera acerba*, or untimely Obſequies of Youths and Children; which *Juvenal* ſpeaks of, *Sat.* xi. 44.

Non præmaturi cineres, non funus acerbum
Luxuriæ, &c.

And *Virgil*, Æn. vi. 427.

Infantumque animæ flentes in limine primo:
Quos dulcis vitæ expertes & ab ubere raptos
Abſtulit atra dies, & funere merſit acerbo.

The Funeral Ceremonies may be divided into ſuch as were uſed to Perſons when they were dying, and ſuch as were afterwards performed to the dead Corpſe.

When all Hopes of Life were given over, and the Soul as it were juſt ready for its Flight, the Friends and neareſt Relations of the dying Party uſed to kiſs him, and embrace his Body till he expired. Thus *Suetonius* (*b*) relates that *Auguſtus* expired *in the Kiſſes* of *Livia*. Nor need there be any further Proof of a Cuſtom, which every Body is acquainted with. The Reaſon of it is not ſo well known: Moſt probably, they thought by this pious Act to receive into their own Bodies the Soul of their departing Friend. Thus *Albinovanus* in the Epicede of *Livia*:

Soſpite te ſaltem moriar, Nero; tu mea condas
Lumina, & accipias hanc animam ore pio.

For the Antients believed that the Soul, when it was leaving the Body, made uſe of the Mouth for its Paſſage; whence *animam in primo ore*, or *in primis labris tenere*, is *to be at Death's Door*. And they might well imagine the Soul was thus to be transfuſed in the laſt Act of Life, who could ſuppoſe that it was communicated in an ordinary Kiſs, as we find they did from theſe Love-Verſes, recited by *Macrobius*, the Original of which is attributed to *Plato*;

Dum ſemihulco ſuavio
Meum Puellum ſuavior,

(*a*) *Ner.* 33. (*b*) *Auguſt.* 91.

Dulcemque

Dulcemque florem ſpiritus
Duco ex aperto tramite,
Anima tunc ægra & ſaucia
Cucurrit ad labia mihi, &c. (*a*).

Nor did they only kiſs their Friends, when juſt expiring, but afterwards too, when the Body was going to be laid on the Funeral Pile. Thus *Tibullus*, Lib. 1. Eleg. 1.

Flebis & arſuro poſitum me, Delia, lecto,
Triſtibus & lacrymis oſcula mixta dabis.

And *Propertius*, Lib. 2. Eleg. 12.

Oſculaque in gelidis pones ſuprema labellis,
Cum dabitur Syrio munere plenus onyx.

Another Ceremony, uſed to Perſons expiring, was taking off their Rings. Thus *Suetonius* reports, that when the Emperor "*Tiberius* ſwooned away, and was reputed "dead, his Rings were taken from him, though he after-"wards recovered, and aſked for them again (*b*)" They are much miſtaken, who ſuppoſe him to have done this with Deſign to change his Heir; for though it was an uſual Cuſtom with the Antients to conſtitute their Heir or Succeſſor, by delivering him their Rings on their Death-bed, yet this ſignified nothing, in Caſe a legal Will was produced to the contrary (*c*).

But whether they took off the Rings to ſave them from the Perſons concerned in waſhing and taking Care of the dead Body, or on any other Account, it is very probable that they afterwards reſtored them again to the Fingers, to be burnt in the Funeral Pile; as may be inferred from that Verſe of *Propertius*, where, deſcribing the Ghoſt of his Miſtreſs in the Habit in which ſhe was burned, he ſays,

Et ſolitum digito beryllon adederat ignis. Lib. iv. El. 7.

The Cuſtom of cloſing the Eyes of a departing Friend, common both to *Romans* and *Græcians*, is known by any one that has but looked in a claſſic Author. It may only here be obſerved, that this Ceremony was performed for the moſt Part by the neareſt Relation, as by Huſbands to their

(*a*) *Macrob. Saturn.* l. 2. c. 2. (*b*) c. 73. (*c*) See *Valer. Max.* l. 7. c. 8.

Wives, and by Wives to their Husbands; by Parents to their Children, and by Children to their Parents, &c. of all which we have many Instances in the Poets. *Pliny* tells us, that as they closed the Eyes of the dying Persons, so they opened them again when the Body was laid on the Funeral Pile: And his Reason for both Customs is, *ut neque ab homine supremum spectari fas sit, & cœlo non ostendi nefas* (*a*); "because they counted it equally impious, that the Eyes "should be seen by Men at their last Motion, or that they "should not be exposed to the View of Heaven."

The Ceremonies used to Persons after they were dead, may be divided into three Sorts; such as were performed before the Burial, such as concerned the Act of the Funeral, and such as were done after that Solemnity.

Before the Burial, we meet with the Customs of washing and anointing the Corpse, not by any Means peculiar to the *Romans*, but antiently used by almost all the civilized Nations of the World, owing their first Rise to the *Ægyptians*. These Offices in *Rome* were either performed by the Women whom they termed *Funeræ*; or else in richer or nobler Families by the *Libitinarii*, a Society of Men who got their Livelihood by preparing Things for the Solemnization of Funerals. They had their Names from *Libitina* the Goddess, who presided over Obsequies. Hence the Word *Libitina* is often used for Death itself; or for every Thing in general relating to the Funerals; because in the Temple of that Goddess, all Necessaries, proper for such Occasions, were exposed to Sale. *Phædrus* alludes to this Custom, speaking of a covetous Miser, *Lib.* 4. *Fab.* 19.

Qui circumcides omnem impensam Funeris,
Libitina ne quid de tuo faciat lucrum.

But to return to the *Libitinarii*, they seem to have been the chief Persons concerned in ordering Funerals, undertaking the whole Care and Charge of such a Solemnity at a set Price; and therefore they kept a great Number of Servants to perform the working Part, such as the *Pollinctores*, the *Vespillones*, &c. The first of these were employed to anoint the dead Body. In Allusion to this Custom of anointing the Corpse, *Martial* (iii. 12.) plays very genteely on the Master of an Entertainment, where there was much Essence to be got, but very little Meat;

(*a*) Lib. 11.

Unguentum

Unguentum fateor bonum dediſti
Convivis, here; ſed nihil ſcidiſti.
Res falſa eſt bene olere & eſurire.
Qui non cœnat, & ungitur, Fabulle,
Is vere mihi mortuus videtur.

When the Body had been waſhed and anointed, they proceeded to wrap it in a Garment: The ordinary People for this Purpoſe made Uſe of the common Gown; and though in ſome Parts of *Italy* the Inhabitants were ſo rude as not to wear the Gown while they lived, yet *Juvenal* informs us that they did not want it at their Death;

Pars magna Italiæ eſt, ſi verum admittimus, in qua
Nemo togam ſumit niſi mortuus. Sat. iii. 171.

But thoſe who had born any public Office in the State, or acquired any Honour in War, were after their Death wrapped in the particular Garment which belonged to their Place, or to their Triumph; as *Livy* (*a*) and *Polybius* (*b*) expreſly report. It may here be obſerved, that the Antients were ſo very careful and ſuperſtitious, in Reference to their Funeral Garments, that they often wove them for themſelves and their Friends during Life. Thus *Virgil* brings in the Mother of *Euryalus* complaining,

——— *Nec te, tua funera, mater*
Produxi, preſſive oculos, nec vulnera lavi:
Veſte tegens, tibi quam noctes feſtina dieſque
Urgebam, & tela curas ſolabar anîles. Æn. ix. 486.

If the Deceaſed had by his Valour obtained any of the honourable Coronets, it was conſtantly put on his Head, when the Body was dreſſed for the Funeral; that the Reward of Virtue might in ſome Meaſure be enjoyed after Death; as *Cicero* obſerves in his ſecond Book of *Laws*. Other Perſons they crowned with Chaplets of Flowers, and with thoſe too adorned the Couch on which the Body was laid. The primitive *Chriſtians* inveighed ſeverely againſt this Cuſtom, as little leſs than Idolatry, as is to be ſeen particularly in *Minutius Felix* (*c*) and *Tertullian* (*d*).

(*a*) Lib. 34 (*b*) Lib. 6. (*c*) *Octav.* pag. 109. *Edit.* Oxon. (*d*) *De Corona Mil.*

The next Ceremony was the *collocatio* or *laying out* of the Body, performed always by the neareſt Relations. Whence *Dio* cenſures *Tiberius* for his Neglect of *Livia*, ὅτε νοσοῦσαν ἐπεσκέψατο, ὅτε ἀποθανοῦσαν αὐτὸς προέθετο. *He neither viſited her, when ſhe was Sick, nor laid her out with his own Hands, after ſhe was dead.*

The place where they laid the Body, was always near the Threſhold, at the Entrance of the Houſe.

———recipitque ad limina greſſum,
Corpus ubi exanimi poſitum Pallantis Acœtes
Servabat ſenior. Virg. Æn. xi. 29.

And they took particular Care in placing the Body, to turn the Feet outward, toward the Gate, which Cuſtom *Perſius* has left us elegantly deſcribed in his third Satyr. 193.

———tandemque beatulus alto
Compoſitus lecto, craſſiſque lutatus amomis,
In portam rigidos calces extendit——

The Reaſon of this Poſition was to ſhew all Perſons, whether any Violence had been the Cauſe of the Party's Death, which might be diſcovered by outward ſigns.

We muſt not forget the *Conclamatio*, or general Cry ſet up at ſuch Intervals before the Corpſe, by Perſons who attended on Purpoſe. This was done, either becauſe they hoped by this Means to ſtop the Soul which was now taking its Flight, or elſe to awaken its Powers, which they thought might only lie inactive in the Body. For the firſt Reaſon we are beholden to *Propertius:* iv. 7.

At mihi non oculos quiſquam inclamavit euntes,
Unum impetraſſem te revocante diem.

The other is taken from the Explication of this Cuſtom by *Servius*, on the ſixth of the *Æneids*, and ſeems much the more probable. For the Phyſicians give ſeveral Inſtances of Perſons, who being buried through Haſte, in an Apoplectic Fit, have afterwards come to themſelves, and many Times miſerably periſhed for Want of Aſſiſtance.

If this did not avail, the Deceaſed was ſaid to be *Conclamatus*, or paſt Call, to which practice there are frequent

quent Alluſions in almoſt every Author. *Lucan*'s is very elegant.

———*Sic funere primo*
Attonitæ tacuere domus, quum corpora nondum
Conclamata jacent, nec mater crine ſoluto
Exigit ad ſævos famularum brachia planctus. Lib. 2.

There is ſcarce any Ceremony remaining which was performed before the Burial, except the Cuſtom of ſetting up ſome Sign, by which the Houſe was known to be in Mourning. This among the *Romans* was done by fixing Branches of Cypreſs, or of the Pitch-tree, near the Entrance; neither of which Trees being once cut down ever revive, and have on that Account been thought proper Emblems of a Funeral (*a*).

Thus much was done before the Funeral: In the Funeral we may take Notice of the *Elatio*, or Carrying forth, and the Act of Burial. What concerns the firſt of theſe, will be explained in obſerving the *Day*, the *Time*, the *Perſons*, and the *Place*. What Day after the Perſon's Death was appointed for the Funeral, is not very well agreed on. *Servius* on that Paſſage of *Virgil*, Æn. 5. Ver. 65.

Præterea, ſi nona dies mortalibus ægris, &c.

expreſly tells us, that *the Body lay ſeven Days in the Houſe, on the eighth Day was burned, and on the ninth buried.* But there are many Inſtances to prove that this ſet Number of Days was not always obſerved. Therefore perhaps this belonged only to the Indictive and Public Funerals, and not to the Private and Silent, eſpecially not to the *acerba Funera*, which were always performed with great Haſte. Thus *Suetonius* reports of the Funeral of *Britannicus* (*b*), and of the Emperor *Otho* (*c*): And *Cicero pro Cluentio, Eo ipſo die puer cum hora undecima in publico & valens viſus eſſet, ante noctem mortuus, & poſtridie ante lucem combuſtus.*

As to the *Time* of carrying forth the Corpſe, antiently they made uſe only of the Night; as *Servius* obſerves on thoſe Words of *Virgil*,

———*De more vetuſto*
Funereas rapuere faces. Æn. xi. v. 142.

(*a*) *Plin.* lib. 16. cap. 33. *Serv. ad Æn.* 4. (*b*) *Ner.* 32. (*c*) *Otho* 81.

The Reaſon he gives for it is, that hereby they might avoid meeting with the Magiſtrates or Prieſts, whoſe Eyes they thought would be defiled by ſuch a Spectacle. Hence the Funeral had its Name *a funalibus*, from the Torches; and the *Veſpillones*, or *Veſperones*, were ſo called from *Veſpera* the Evening.

Nothing is more evident, than that this Cuſtom was not long obſerved, at leaſt in the public Funerals, though it ſeems to have been continued in the ſilent, and private, as *Servius* acquaints us in the ſame Place. Hence *Nero* took a fair Excuſe for hurrying his Brother *Britannicus*'s Burial. For *Tacitus* reports that the Emperor defended this haſte which cauſed ſo much Talk and Suſpicion in a public Edict; urging that it was agreeable to the old Inſtitutions, to hide ſuch untimely Funerals from Mens Eyes as ſoon as poſſible, and not detain them with the tedious Formalities of Harangues, and pompous Proceſſions. It may not be too nice a Remark, that in the more ſplendid Funerals, the former Part of the Day ſeems to have been deſigned for the Proceſſion. Thus *Plutarch* relates of the Burial of *Sylla*, that the "Morning "being very cloudy, they deferred carrying forth the "Corpſe till the ninth Hour, or three in the Afternoon." But though this Cuſtom of carrying forth the Corpſe by Night, in a great Meaſure, ceaſed, yet the bearing of Torches and Tapers ſtill continued in Practice. Thus *Virgil* in the Funeral of *Pallas*, Æn. xi. 144.

——*Lucet via longo*
Ordine flammarum, & late diſcriminat agros,

And *Perſius*, Sat. iii. 103.

Hinc tuba, candelæ, &c.

And becauſe Tapers were likewiſe uſed at the Nuptial Solemnity, the Poets did not fail to take the Hint for bringing them both into the ſame Thought. As *Propertius*, Book iv. Eleg. laſt.

Viximus inſignes inter utramque facem.

And *Ovid*, in the Epiſtle of *Cydippe* to *Acontius*: 172.

Et face pro thalami, fax mihi mortis erat.

Among

Among the *Perſons* concerned in carrying forth the Corpſe, we may begin with thoſe that went before the Funeral-Bed, ſuch as the *Siticines*, the *Preficæ*, the *Ludii* and *Hiſtriones*, the new Freed-men, the Bearers of the Images, &c. The Name of the *Siticines*, *A. Gellius* (*a*) derives from *Situs* and *Cano*, from playing to the Dead. They were of two Sorts, ſome ſounding on the Trumpet, others on the Flute or Pipe. That the Trumpets had a Share in this Solemnity, we learn from *Virgil* in the Funeral of *Pallas*, Æn. xi. 192.

Exoritur *clamorque virûm, clangorque tubarum.*

And from *Propertius*, Book ii. Eleg. 7.

Ah! mea tum quales caneret tibi, Cynthia, ſomnos
Tibia, funeſta triſtior illa tuba.

And *Plutarch* tells a Story of a Magpye, that upon hearing the Trumpets at the Funeral of a rich Man, for ſome Time after quite loſt her Voice, and could raiſe no Manner of Note; when, on a ſudden, as if ſhe had been all this while deeply meditating; ſhe whiſtled exactly the ſame Tunes that the Trumpets had played, and gave all the Turns and Changes to Admiration (*b*).

For it is likely that the Trumpets were uſed only in the public Funerals, to give the People Notice to appear at the Solemnity, as *Lipſius* inſtructs us (*c*).

The *Tibicines* ſome reſtrain to the Funerals of Children, and younger Perſons, as *Servius* obſerves on the firſt of the *Æneids*, and *Statius*, *Theb.* 6. in the Funeral of *Achemorus*;

Tum ſignum luctus cornu grave mugit adunco
Tibia, cui teneros ſuetum producere manes.

The learned *Dacier* has declared himſelf of the ſame Opinion (*d*). But it is certain that this cannot always have been the Caſe. For *Suetonius* mentions the *Tibiæ* in the Funeral of *Julius Cæſar* (*e*), and *Seneca* in that of *Claudius*, in his *Apocolocynthoſis*. And *Ovid* ſays of himſelf in plain Words,

Interea noſtri quid agant niſi triſte libelli?
Tibia funeribus convenit iſta meis. Triſt. v. Eleg. 1.

(*a*) Lib. 20. cap. 2. (*b*) *Plut. de Animal. Solert.* (*c*) *De Militia*, lib. 4. cap. 10. (*d*) *Horace.* Book i. Sat. vi. v. 44. (*e*) Cap. 83.

Therefore it ſeems more probable, that the Flutes or Pipes were uſed in all Sorts of Funerals, as the moſt accurate *Kirchman* has given his Judgment.

It appears from the Figures of Trumpets and Flutes on the old Monuments, that the Inſtruments of thoſe Kinds, uſed at Funeral Solemnities, were longer than the ordinary ones; and ſo fitted to give a ſharper and more mournful Sound. Hence *Ovid* calls the Funeral Trumpet *longa tuba*.

Pro longa reſonent carmina veſtra tuba. Amor. ii. El. 6. 6.

After the Muſicians went the *Preficæ*, or the mourning Women, hired on Purpoſe to ſing the *nænia* or *leſſus*, the Funeral Song, filled with the Praiſes of the Deceaſed; but for the moſt Part trifling and mean. Hence the Grammarian in *Gellius* took his ſarcaſm againſt the Philoſophers, *Vos Philoſophi mera eſtis* (*ut M. Cato ait*) *mortuaria Gloſſaria. Namque collegiſtis & lectitaſtis res tetras & manes & frivolas tanquam mulierum voces præficarum* (*a*): "You Philoſophers "(as *Cato* ſays) are mere Dealers in Traſh; for you read and "collect a Parcel of empty frivolous Matter, ſuch as the "old Women whine out, who are hired to ſing the mourn-"ing Song at a Funeral."

That the *Ludii* and *Hiſtriones*, the Mimics and Players, went before the Funeral-bed, and danced after the ſatyric Manner, we have the Authority of *Dionyſius* in his ninth Book. And *Suetonius* tells a Story of the Arch-mimic who acted at the Funeral of *Veſpaſian* (*b*).

The Cuſtom for the Slaves to go with their Caps on before the Corpſe, and to be thereupon made free, is confirmed by a Law of *Juſtinian*, and we meet with many Examples of it in Hiſtory.

As to the Beds or Couches born before in the Funeral Solemnity, the Deſign of theſe was to carry the waxen Images of the deceaſed Perſon's Anceſtors; which were therefore uſed only in the Funerals of thoſe who had the *jus imaginum*, the Right of keeping the Effigies of the Men of their Family, which at Home were ſet up in wooden Preſſes, and taken thence to be publicly ſhown after this Manner, on the Death of any of their near Relations (*c*). Before the Corpſe of Princes, or ſome extraordinary Perſons, not only

(*a*) *A Gell.* lib. 18. cap. 7. (*b*) Cap. 19. (*c*) *Plin. N. H.* lib. 35. cap. 2.

the

the Effigies of their Anceſtors, but the Statues too of other great Men were born in State. Thus *Auguſtus* ordered Six hundred Beds of Images to be carried at the Funeral of *Marcellus*; and *Sylla* the Dictator had no leſs than Six thouſand (*a*).

Beſides all this, ſuch as had been eminent for their Atchievements in War, and gained any conſiderable Conqueſt, had the Images and Repreſentations of the Enemies they had ſubdued, or the Cities they had taken, or the Spoils won in Battle; as *Dionyſius* (*b*) reports in the Funeral of *Coriolanus*, and *Dio* (*c*) in that of *Auguſtus*. This Cuſtom *Virgil* alludes to in the Funeral of *Pallas*: xi. 78.

Multaque præterea Laurentis præmia pugnæ
Aggerat, & longo prædam jubet ordine duci.

And a little after;

Indutoſque jubet truncos hoſtilibus armis
Ipſos ferre duces, inimicaque nomina figi.

The *Lictors* too made a Part of the Proceſſion, going before the Corpſe to carry the *Faſces*, and other Enſigns of Honour, which the Deceaſed had a Right to in his Life-time. It is very remarkable, that the Rods were not now carried in the ordinary Poſture, but turned quite the contrary Way, as *Tacitus* reports in the Funeral of *Germanicus* (*d*). Hence *Albinovanus* in the Funeral of *Druſus*:

Quos primum vidi faſces, in funere vidi,
Et vidi verſos, indiciumque mali.

We may now go on to the Perſons who bore the Bier, or the Funeral Bed; and theſe were for the moſt Part the neareſt Relations, or the Heirs of the Deceaſed. Hence *Horace*, Book ii. Sat. 5.

———*Cadaver*
Unctum oleo largo nudis humeris tulit hæres.

(*a*) *Servius in* Æn. 11. (*b*) lib. 8. (*c*) lib. 56. (*d*) *Annal.* 3.

And

And *Juvenal*, Sat. x. 158.

Incolumi Troja, Priamus veniſſet ad umbras
Aſſaraci magnis ſolemnibus, Hectore funus
Portante, & reliquis fratrum cervicibus——

Thus they report of *Metellus* who conquered *Macedon*, that he was carried to the Funeral Pile by his four Sons; one of whom was the *Prætor*, the other three had been all Conſuls, two had triumphed, and one performed the Office of *Cenſor* (*a*).

Sometimes Perſons who had deſerved highly of the Commonwealth, were born at their Funerals by the Magiſtrates, the Senators, or the chief of the Nobility. Thus *Plutarch* relates of *Numa*; *Suetonius* of *Julius Cæſar* (*b*); and *Tacitus* of *Auguſtus* (*c*). And the very Strangers and Foreigners, that happened to be at *Rome* at the Death of any worthy Perſon, were very deſirous of ſignifying their Reſpect to his Memory, by the Service of carrying the Funeral-Bed: As *Plutarch* tells us in the Funeral of *Paulus Æmilius*, that as many *Spaniards*, *Ligurians*, and *Macedonians*, as happened to be preſent at the Solemnity, that were young and of vigorous Bodies, took up the Bed, and bore it to the Pile.

Perſons of meaner Fortunes, and ſometimes great Men too, if they were hated by the People, were carried to their Burial by the *Veſpillones* or *Sandapilones*, who lived by this Employment. Thus *Suetonius* (*d*) and *Eutropius* (*e*) relate of the Emperor *Domitian*. Therefore in this laſt Way of bearing, we may ſuppoſe them to have uſed the *Sandapila* or common Bier, as in the former the *Lecticæ* or *Lecti*, the Litters or Beds. This Bier is what *Horace* and *Lucan* call *vilis Arca*.

——*Anguſtis ejecta cadavera cellis*
Conſervus vili portanda locabat in arca, Hor. L. 1. S. 8.

Da vilem magno plebeii funeris arcam,
Quæ lacerum corpus ſiccos effundat in ignes. Luc. L. 8.

It is worth obſerving, that ſometimes the Bier or Bed was covered, and ſometimes not. It was expoſed open, if the

(*a*) *Plin.* lib. 7. cap. 44. *Val. Max.* lib. 7. (*b*) cap. 84. (*c*) *Annal.* 1. (*d*) cap. 17. (*e*) lib. 7.

Party

Party had died a natural Death, and was not very much deformed by the Change; and therefore ſometimes they uſed to paint the Face, eſpecially of Women, to make them appear with more Advantage. *Dio* tells us in the Life of *Nero*, that he daubed the Body of *Britannicus* over with a Sort of White-waſh, to hinder the Blueneſs of the Fleſh, and ſuch other Marks of the Poiſon, from being diſcovered; but a great Rain falling at the Time of the Proceſſion, waſhed off the Paint, and expoſed the fatal Tokens to the View of the whole People.

But if the Viſage was very much diſtorted, or upon ſome other Account not fit to be ſhown, they threw a Covering over the Bed. Thus *Paterculus* reports that *Scipio Africanus* was carried forth to Burial *velato capite* (*a*). Sometimes too when the Face or the Head had been greatly bruiſed; as if the Fall of a Houſe, or ſome ſuch Accident, had occaſioned the Party's Death, they uſed to encloſe the Head and Face in a Maſk, to hinder them from appearing: And the Funerals in which this was practiſed, they termed *larvata funera*.

But the greateſt Part of the *Perſons* were thoſe that followed the Corpſe. Theſe in private Funerals were ſeldom many beſides the Friends and Relations of the Deceaſed; and it was very uſual in the Will to beſtow Legacies upon ſuch and ſuch Perſons, upon Condition they ſhould appear at the Funeral, and accompany the Corpſe. But at the *Indictive* on public Funerals, the whole City flocked together upon the general Invitation and Summons. The Magiſtrates and Senators were not wanting at the Proceſſion, nor even the Prieſts themſelves, as we find in the Funeral of *Numa* deſcribed by *Plutarch*.

To give an Account of the Habit and Geſture of the Mourners, or of the Relations and others that followed the Corpſe, is in a great Meaſure unneceſſary; for the weeping, the bitter Complaints againſt the Gods, the letting looſe the Hair, or ſometimes cutting it off, the changing the Habit, and the laying aſide the uſual Ornaments, are all too well known to need any Explication. Yet there are many Things ſingular in theſe Subjects, which deſerve our farther Notice. Thus they did not only tear or cut off their Hair, but had a Cuſtom to lay it on the Breaſt, or ſometimes on the Tomb of the deceaſed Friend. Hence *Ovid* of the Siſters of *Narciſſus*:

(*a*) Lib. 2.

——*Planxere*

——*Planxere ſorores*
Naiades & ſectos fratri impoſuere capillos.

And *Statius*, Theb. 7.

——*Tergoque & pectore fuſam*
Cæſariem ferro minuit, ſecliſque jacentis
Obnubit tenuia ora comis——

It is no leſs obſervable, that at the Funerals of their Parents, the Sons Heads were covered, and the Daughters uncovered: Perhaps only to recede as far as poſſible from their ordinary Habit. Yet it is likely that in ordering the Sons to cover their Heads at ſuch Solemnities, they had regard to the common Practice of always wearing ſomething on their Heads when they worſhipped the Gods, and eſpecially when they were preſent at a Sacrifice. The Original and Grounds of this Superſtition are moſt admirably given by *Virgil*, in the Prophet *Hellenus*'s Inſtructions to *Æneas*:

Quin ubi tranſmiſſæ ſteterint trans æquora claſſes,
Et poſitis aris, jam vota in littore ſolves,
Purpureo velare comas adopertus amictu:
Ne qua inter ſanctos ignes in honore deorum
Hoſtilis facies occurrat, & omina turbet.
Hunc ſocii morem ſacrorum, hunc ipſe teneto.
Hac caſti maneant in relligione nepotes. Æn. iii. 403.

As to the Mourning Habits, it has been already obſerved (*a*) that the Senators ſometimes upon theſe Occaſions went attired like Knights, the Magiſtrates like Senators, &c. and that the common Wear for Mourning was Black. But we may farther remark, that though this was the ordinary Colour to expreſs their Grief, uſed alike by both Sexes; yet after the Eſtabliſhment of the Empire, when Abundance of Party-Colours came in Faſhion, the old primitive White grew ſo much in Contempt, that at laſt it became proper to the Women for their Mourning Cloaths. Thus *Statius* in the Tears of *Hetruſcus*:

Huc vittata comam niveoque inſignis amictu
Mitibus exequiis ades.

And though it may with ſome Reaſon be thought that the Poet here, directing his Speech to the Goddeſs *Piety*, gives

(*a*) Book 5. cap. 7.

her

her that Habit, rather as a Mark of Purity and Innocence, than as the proper Badge of Grief in her Sex; yet the Matter of Fact is ſtill evident from the Authority of *Plutarch*, who ſtates this as the Subject of one of his Problems, and gives ſeveral Reaſons for the Practice.

After the *PERSONS* follow the *PLACE* whither the Proceſſion was directed, by which we muſt be guided in our next Enquiry. In all the Funerals of Note, eſpecially in the public or *Indictive*, the Corpſe was firſt brought with a vaſt Train of Followers into the *Forum*. Thus *Horace*, Book i. Sat. 6.

———At hic ſi plauſtra ducenta,
Concurrantque foro tria funera, magna ſonabit
Cornua quod vincatque tubas.

Here one of the neareſt Relations aſcended the *Roſtra*, and made an Oration in Praiſe of the Deceaſed. If none of the Kindred undertook the Office, it was diſcharged by ſome of the moſt eminent Perſons in the City for Learning and Eloquence, as *Appian* reports of the Funeral of *Sylla* (*a*). And *Pliny* the younger reckons it as the laſt Addition to the Happineſs of a very great Man, that he had the Honour to be praiſed at his Funeral by the moſt eloquent *Tacitus*, the Conſul (*b*); which is agreeable to *Quinctilian*'s Account of this Matter, *Nam & funebres*, &c. "For the Funeral Orati-"ons (ſays he) depend very often on ſome public Office, "and by Order of Senate are many Times given in Charge "to the Magiſtrates to be performed by themſelves in Per-"ſon (*c*)."

The Invention of this Cuſtom is generally attributed to *Valerius Poplicola*, ſoon after the Expulſion of the Regal Family. *Plutarch* tells us, that "honouring his Collegue's Ob-"ſequies with a Funeral Oration, it ſo pleaſed the *Romans*, "that it became cuſtomary for the beſt Men to celebrate the "Funerals of great Perſons with Speeches in their Com-"mendation."

Nor was this Honour proper to one Sex alone, for *Livy* reports, that "the Matrons, upon Account of making a Col-"lection of Gold for the Deliverance of *Rome* from the *Gauls*, "were allowed as a ſignal Favour to have Funeral Panegyrics "in the ſame Manner as the Men." *Plutarch*'s Relation of this Matter differs from *Livy* only in the Reaſon of the Cuſtom: He acquaints us, "that when it was agreed after the "Taking of *Veii*, that a Bowl of maſſy Gold ſhould be made

(*a*) Ἐμφυλ. lib. 1. (*b*) Lib. 2. Epiſt. 1. (*c*) *Inſtitut.* lib. 3 cap. 9.

"and

" and ſent to *Delphi*, there was ſo great a Scarcity of Gold, " and the Magiſtrates ſo perplexed in conſidering how to " get it, that the *Roman* Ladies meeting together and con- " ſulting among themſelves, out of the golden Ornaments " that they wore, contributed as much as ſerved for mak- " ing the Offering, which in Weight came to eight Talents " of Gold. The Senate, to give them the Honour they " had deſerved, ordained that Funeral Orations ſhould be " uſed at the Obſequies of Women as well as of Men, which " had never been a Cuſtom before." But it ſeems probable, that this Honour was at firſt only paid to antient Matrons; ſince we learn from the ſame excellent Author, that there was no Precedent of any Funeral Oration on a young Woman, till *Julius Cæſar* firſt made one upon the Death of his own Wife.

Cicero (*a*) and *Livy* (*b*) complain very much of this Cuſtom of Funeral Speeches, as if they had conduced in a great Meaſure to the Corruption and Falſifying of Hiſtory. For it being ordinary on theſe Occaſions to be directed more by the Precepts of Oratory, than by the true Matter of Fact, it uſually happened, that the deceaſed Party was extolled on the Account of ſeveral noble Atchievments, to which he had no juſt Pretenſions: And eſpecially when they came to enquire into their Family, as was cuſtomary at theſe Solemnities, they ſeldom failed to inſert three or four of the moſt renowned Perſons of the Commonwealth, to aggrandize the Family of the Deceaſed; and ſo by Degrees almoſt ruined all proper Diſtinctions of Houſes and Blood.

The next Place, to which the Corpſe was carried, was the Place of Burning or Burial. It has been a Cuſtom amongſt moſt Nations to appoint this without the City, particularly among the *Jews* and *Greeks*; from whom it may be ſuppoſed to have been derived to the *Romans*. That the *Jews* buried without the City, is evident from ſeveral Places of the *New Teſtament*. Thus the Sepulchre, in which *Joſeph* laid our Saviour's Body, was " in the ſame Place in which he was " crucified (*c*)," which was *near to the City* (*d*). And we read in St. *Matthew*, that at our Lord's Paſſion " the Graves " were opened, and many Bodies of the Saints which ſlept " aroſe, and came out of their Graves after his Reſurrection, " and went into the Holy City, and appeared unto many (*e*)."

As to the *Græcians*, *Servius* in an Epiſtle to *Tully* (*f*), giving an Account of the unhappy Death of his Collegue *Mar-*

(*a*) *In Bruto.* (*b*) Lib. 8. (*c*) *John* xix. 41. (*d*) *John* xix. 20.
(*e*) *Matthew* xxvii. 52, 53. (*f*) *Famil.* lib. 4. Epiſt. 12.

cellus,

cellus, which happened in *Greece*, tells him, That he could not by any Means obtain Leave of the *Athenians* to allow him a Burying-place within the City, they urging a religious Reſtraint in that Point, and the Want of Precedent for ſuch a Practice.

The *Romans* followed the ſame Cuſtom from the firſt Building of the City, which was afterwards ſettled in a Law by the *Decemviri*, and often revived and confirmed by ſubſequent Inſtitutions. The Reaſon of this antient Practice may be reſolved into a ſacred and a civil Conſideration. As to the former, the *Romans*, and moſt other People, had a Notion, that whatever had been conſecrated to the ſupernal Gods, was preſently defiled upon the Touch of a Corpſe, or even by bringing ſuch a Spectacle near it. Thus *A. Gellius* tells us, that the *Flamen Dialis* might not on any Account enter into a Place where there was a Grave; or ſo much as touch a dead Body (*a*). And if the *Pontifex Maximus* happened to praiſe any one publicly at a Funeral, he had a Veil always laid over the Corpſe to keep it from his Sight; as *Dio* reports of *Auguſtus* (*b*), and *Seneca* of *Tiberius* (*c*). It is likely that this might be borrowed from the *Jewiſh* Law, by which the High Prieſt was forbid to uſe the ordinary Signs of Mourning, or to *go near any dead Body* (*d*).

The civil Conſideration ſeems to have been, that neither the Air might be corrupted by the Stench of putrified Bodies, nor the Buildings endangered by the Frequency of Funeral Fires.

The Places then, appointed for Burial without the City, were either private or public; the private Places were the Fields or Gardens belonging to particular Families. Hence *Martial* took the Jeſt in one of his Epigrams, on a Gentleman that had buried ſeveral Wives:

Septima jam, Phileros, tibi conditur uxor in agro.
Plus nulli, Phileros, quam tibi reddit ager.

If it was poſſible, they always buried in that Part of the Field or Garden which lay neareſt to the high Road, both to put Paſſengers in Mind of Mortality, and to ſave the beſt Part of their Land. Thus *Juvenal*, Sat. 1.

——*Experiar quid concedatur in illos*
Quorum Flaminiâ tegitur cinis atque Latinâ.

(*a*) Lib. 10. cap. 15. (*b*) Lib. 54. (*c*) *Conſolat. ad Mat.* cap. 15.
(*d*) *Levit.* xxi. 10, 11.

And

And we have ſcarce any Relation of Burying in Authors, but they tell us the Urn was laid near ſuch a *Way*. *Propertius* is very earneſt in deſiring that he may not be buried after this ordinary Cuſtom, near a frequented Road, for Fear it ſhould diſturb his Shade:

Dî faciant, mea ne terrâ locet oſſa frequenti,
Quâ faciat aſſiduo tramite vulgus iter.
Poſt mortem tumuli ſic infamantur amantum:
Me tegat arboreâ devia terra comâ:
Aut humet ignotæ cumulis vallatus arenæ.
Non juvat in mediâ nomen habere viâ. Lib. 3. Eleg. 15.

The public Burying Places were of two Sorts; thoſe which were allotted to the Poor, and thoſe which were put to this Uſe only at the Funerals of great Perſons. The former were the *Puticulæ*, or *Puticuli*, without the *Eſquilian* Gate; they contained a great Quantity of Ground, and were put to no other Uſe, than the burying of the Bones and Aſhes of Perſons of the loweſt Rank, who had no private Place of their own to lay the Corpſe in. But becauſe the vaſt Number of Bones depoſited here, infecting the Air, rendered the Neighbouring Parts of the City unhealthy, *Auguſtus* gave away a great many Acres of this common Field to his Favourite *Mæcenas*, who turned it into fine Gardens. This *Horace* tells us at large, Book 1. Sat. 8.

Huc prius anguſtis ejecta cadavera cellis
Conſervus vili portanda locabat in arca:
Hoc miſeræ plebi ſtabat commune ſepulchrum, &c.

The public Place aſſigned for the Burial of great Perſons, was commonly the *Campus Martius*. This Honour could not be procured but by a public Decree of Senate, and was never conferred but on Men of the higheſt Stations and Merits. Thus *Plutarch* relates of *Lucullus* and *Pompey*; *Appian* of *Sylla* (*a*), *Suetonius* of *Druſus* (*b*), and *Virgil* of *Marcellus*.

Quantos ille virum magnam Mavortis ad urbem
Campus aget gemitus? vel quæ, Tiberine, videbis
Funera, cum tumulum præterlabere recentem! Æn. 6.

(*a*) Ἐμφυλ. lib. 1. (*b*) *Claud.* cap. 1.

It

It has been ſaid, that the ordinary Cuſtom was to bury without the City; but we muſt except ſome Sepulchres, as thoſe of the *Veſtal* Virgins, to whom *Servius* tells us the Laws allowed a burying Place within the City (*a*). The ſame Honour was allowed to ſome extraordinary Perſons, as to *Valerius Poplicola* (*b*), and to *Fabritius* (*c*), and continued to their Heirs. Yet none of the Family were afterwards there interred, but the Body being carried thither, one placed a burning Torch under it, and then immediately took it away; as an Atteſtation of the deceaſed's Privilege, and his receding from his Honour: And then the Body was removed to another Place.

Cicero in his ninth *Philippic* moves, that *Servius Sulpicius*, upon Account of his many ſignal Services to the Commonwealth, may be honoured with a public Sepulchre in the *Campus Eſquilinus*, or any other Place where the Conſul ſhould pleaſe, thirty Feet in Dimenſion every Way, and to remain to his Heirs and Poſterity. But there are not many Inſtances of the like Practice.

Having done with the *carrying forth*, we come to the *Act of Burying*. The Corpſe being brought in the Manner already deſcribed, without the City, if they deſigned to burn it, was carried directly to the Place appointed for that Purpoſe, (which, if it was joined with the Sepulchre, was called *Buſtum*, if ſeparate from it, *Uſtrina*) and there laid on the *Rogus* or *Pyra*, a Pile of Wood prepared to burn it on. This Pile was built in the Shape of an Altar, differing in Height according to the Quality of the Deceaſed. Thus *Virgil* in the Funeral of *Miſenus*, Æn. 6.

——— *Aramque ſepulchri*
Congerere arboribus, cœloque educere certant.

And *Ovid* againſt *Ibis:*

Et dare plebeio corpus inane rogo.

The Trees, which they made Uſe of, were commonly ſuch as had moſt Pitch or Roſin in them; and if they took any other Wood, they ſplit it, for the more eaſy catching Fire:

Procumbunt piceæ, ſonat icta ſecuribus ilex,

(*a*) *Ad* Æn. 9. (*b*) *Plutarch* in his Life. (*c*) *Cicero.*

Fraxineæque trabes; cuneis & fiſſile robur
Scinditur.———Virg. Æn. 6.

Round the Pile they uſed to ſet Cypreſs Trees, perhaps to hinder the noiſom Smell of the Corpſe. This Obſervation is owing to *Virgil* in the ſame Place:

Ingentem ſtruxere pyram; cui frondibus atris
Intexunt latera, & ferales ante cupreſſos
Conſtituunt.

That the Body was placed on the Pile, with the Couch or Bed on which it lay, we have the Authority of *Tibullus*, Book 1. El. 1.

Flebis & arſuro poſitum me, Delia, *lecto.*

This being done, the neareſt Relation performed the Ceremony of lighting the Pile; which they did with a Torch, turning their Face away, as if it was done out of Neceſſity, and not willingly. Thus *Virgil*, Æn. 6.

——— *Subjectam, more parentum,*
Averſi tenuere facem.

As ſoon as the Wood took Fire, they prayed for a Wind to aſſiſt the Flames, and haſten the conſuming of the Body, which they looked on as a fortunate Accident. Thus *Cynthia* in *Propertius:*

Cur ventos non ipſe rogis, ingrate, petiſti?

And *Plutarch* in the Life of *Sylla* reports, "That the "Day being cloudy, they deferred carrying forth the Corpſe "till about Three in the Afternoon, expecting it would "rain: But a ſtrong Wind blowing full againſt the Fu- "neral-pile, and ſetting it all on a Flame, his Body was "conſumed in a Moment. As the Pile ſhrunk down, and "the Fire was going out, the Clouds ſhowered down, and "continued raining till Night. So that his good Fortune "was firm even to the laſt, and did, as it were, officiate at "his Funeral."

At the Funerals of the Emperors or renowned Generals, as ſoon as the Wood was lighted, the Soldiers and all the Company

Company made a ſolemn Courſe (*Decurſio*) three Times round the Pile, to ſhow their Affection to the Deceaſed; of which we have numerous Examples. *Virgil* has not forgot to expreſs this Cuſtom:

Ter circum accenſos cincti fulgentibus armis
Decurrere rogos; ter mœſtum funeris ignem
Luſtravere in equis, ululatuſque ore dedere. Æn. 11.

The Body was never burnt without Company; for becauſe they fancied that the Ghoſts delighted in Blood, it was cuſtomary to kill a great Number of Beaſts, and throw them on the Pile.

Multa boum circa mactantur corpora morti,
Setigeraſque ſues, raptaſque ex omnibus agris
In flammam jugulant pecudes—Virg. Æn. 11.

In the more ignorant and barbarous Ages, they uſed to murder Men, and caſt them into the Funeral Flames of Princes and Commanders. The Poets never burn a Hero without this inhuman Ceremony. *Homer* gives *Patroclus*

Δώδεκα μὲν Τρώων μεγαθύμων υἷας ἐσθλὰς.

And *Virgil*, lib. 10.

Quatuor hic juvenes, totidem quos educat Ufens,
Viventes rapit; inferias quos immolet umbris,
Captivoque rogi perfundat ſanguine flammas.

But beſides thoſe, there were Abundance of other Things thrown into the Flames: Theſe conſiſted for the moſt Part of coſtly Garments and Perfumes thrown on the Body as it burned. Thus *Virgil*, Æn. 6.

Purpureaſque ſuper veſtes, velamina nota,
Conjiciunt:

And *Plutarch* makes the extravagant Expences of *Cato Junior*, at the Funeral of his Brother *Cæpio*, to have been taken up in "a vaſt Quantity of coſtly Garments and Perfumes."

All the precious Gums, Eſſences, and Balſams, that the Antients were acquainted with, we find employed in their

Funerals: Hence *Juvenal* deſcribes a Fop that uſed Abundance of Eſſence:

Et matutino ſudans Criſpinus amomo,
Quantum vix redolent duo funera.—Sat. 4.

The Soldiers and Generals had uſually their Arms burnt with them on the Pile. Thus *Virgil* in the Funeral of *Miſenus:*

—Decorantque ſuper fulgentibus armis, Æn. 6.

And in another Place he adds the Spoils taken from the Enemy:

Hinc alii ſpolia occiſis direpta Latinis
Conjiciunt igni, galeas enſeſque decoros,
Frænaque ferventeſque rotas: pars, munera nota,
Ipſorum clypeos, & non felicia tela. Æn. 11.

When the Pile was burnt down, they put out the Remains of the Fire, by ſprinkling Wine on it, that they might more eaſily gather up the Bones and Aſhes.

Poſtquam collapſi cineres, ac flamma quievit,
Relliquias vino & bibulam lavere favillam. Virg. Æn. 6.

This gathering up the Bones and Aſhes, and putting them into the Urn, was the next Office paid to the Deceaſed, which they termed *oſſilegium.* The whole Cuſtom is moſt fully and elegantly deſcribed by *Tibullus* in his third Book, *Eleg.* 2.

Ergo ubi cum tenuem, &c.

How the Aſhes and Bones of the Man came to be diſtinguiſhed from thoſe of the Beaſts, and Wood, and other Materials, is not eaſy to be conceived, unleſs we ſuppoſe the Difference to have aroſe from the artificial placing of the Corpſe on the Pile, ſo that every Thing elſe ſhould fall away on each Side, and leave the human Relics in a Heap by themſelves.

Nothing now remained but to put the Urn into the Sepulchre, ſprinkle the Company with luſtral Water, and diſmiſs them. *Virg. Æn.* 6.

Oſſaque lecta cado texit Chorinæus *aheno:*
Idem ter ſocios purâ circumtulit undâ,

Spargens

Spargens rore levi, & ramo felicis olivæ,
Luſtravitque viros, dixitque noviſſima verba.

Theſe *noviſſima verba* were either directed to the Deceaſed or to the Company. The Form, which they uſed to the Deceaſed was, *Vale, vale, vale, nos te ordine, quo natura permiſerit, cuncti ſequemur.* That with which the *Præfica* diſmiſſed the People, was *ILICET*, i. e. *ire licet.* As they went away, they had a Cuſtom of wiſhing for *light Earth*, to lay on the Relics, which they reckoned a great Happineſs. Hence it is an uſual Inſcription on antient Monuments *S. T. T. L.* or *Sit tibi terra levis.*

To enquire into the Original of Sepulchres, their ſeveral Kinds and Forms, the Variety of Ornaments, the Difference of Inſcriptions, and the many Ways of violating the Tombs of the Dead, would be too nice a Diſquiſition for the preſent Deſign. Yet we muſt not paſs by the *Cenotaphia* or Monuments erected on a very ſingular Account, either to Perſons buried in another Place, or thoſe who had received no Burial, and whoſe Remains could not be found.

Thus *Suetonius* tells us, that the Soldiers in *Germany* raiſed an *honorary Tomb* to the Memory of *Druſus*, though his Body had been carried to *Rome*, and depoſited in the *Campus Martius* (*a*): And we often find the Generals raiſing Tombs to the Honour of thoſe Soldiers whoſe Bodies could not be found after a Fight. Theſe *Tumuli inanes* or *honorarii*, when erected to the Memory of particular Perſons, were uſually kept as ſacred as the true Monuments, and had the ſame Ceremonies performed at them. Thus *Virgil* deſcribes *Andromache* keeping the Anniverſary of *Hector*'s Death. *Æn.* 3.

Solemnes tum forte dapes, & triſtia dona
Libabat cineri Andromache, maneſque vocabat
Hectoreum ad tumulum, viridi quem ceſpite inanem,
Et geminas, cauſam lacrymis, ſacraverat aras.

And *Æneas* tells *Deiphobus*, that he has paid him ſuch an Honour.

Tunc egomet tumulum Rhæteo in litore inanem
Conſtitui, & magnâ manes ter voce vocavi:
Nomen & arma locum ſervant. Æneid. 6.

(*a*) *Sueton. Claud.* cap. 1.

AFTER the FUNERAL, we are to take Notice of the ſeveral Rites performed in Honour of the Dead, at the Feſtivals inſtituted with that Deſign. The chief Time of paying theſe Offices was the *Feralia*, or the Feaſt of the Ghoſts, in the Month of *February*; but it was ordinary for particular Families to have particular Times for diſcharging this Duty, as the *Novennalia*, the *Decennalia*, and the like. The Ceremonies may be reduced to theſe three Heads, Sacrifices, Feaſts, and Games; to which if we ſubjoin the Cuſtoms of Mourning, and of the Conſecration, we ſhall take in all that remains on this Subject.

The Sacrifices (which were called *Inferiæ*) conſiſted of Liquors, Victims, and Garlands. The Liquors were Water, Wine, Milk, Blood, and liquid Balſam.

Hic duo rite mero libans carchesia Baccho
Fundit humi, duo lacte novo, duo ſanguine ſacro. Vir. Æn. 5.

The Blood was taken from the Victims offered to the *Manes*, which were uſually of the ſmaller Cattle, though in antient Times it was cuſtomary to uſe Captives or Slaves in this inhuman Manner.

The Balſams and Garlands occur every where in the Poets. *Propert.* Lib. 3. Eleg. 15.

Affere huc unguenta mihi, ſertiſque ſepulchrum
Ornabit, cuſtos ad mea buſta ſedens.

Tibul. Lib. 2. Eleg. 4.

Atque aliquis ſenior, veteres veneratus amores,
Annua conſtructo ſerta dabit tumulo.

Beſides theſe Chaplets, they ſtrowed Flowers about the Monument.

Purpureoſque jacit flores, ac talia fatur. Æn. 5.

And again, *Æn.* 6.

Tu Marcellus eris. Manibus date lilia plenis:
Purpureos ſpargam flores; animamque nepotis
His ſaltem accumulem donis, & fungar inani
Munere.

The

The Feaſts celebrated in Honour of the Deceaſed, were either private or public. The private Feaſts were termed *Silicernia*, from *Silex* and *Cæna*, as if we ſhould ſay *Suppers made on a Stone*. Theſe were prepared both for the Dead and the Living. The Repaſt for the Dead, conſiſting commonly of Beans, Lettices, Bread, and Eggs, or the like, was laid on the Tomb for the Ghoſts to come out and eat, as they fancied they would; and what was left they burnt on the Stone. Travellers tells us, that the *Indians* at preſent have a ſuperſtitious Cuſtom much of this Nature, putting a Piece of Meat always in the Grave with the dead Body, when they bury in the Plantations.

It was from this Cuſtom, that, to expreſs the moſt miſerable Poverty of Creatures almoſt ſtarved, they uſed to ſay, "He got his Victuals from the Tombs." Thus *Catullus*: 57.

Uxor Meneni, ſæpe quam in ſepulchretis
Vidiſtis ipſo rapere rogo cœnam,
Quum devolutum ex igne proſequens panem
A ſemiraſo tunderetur uſtore.

And *Tibullus*'s Curſe is much to the ſame Purpoſe: i. 6.

Ipſa fame ſtimulante furens, herbaſque ſepulchris
Quærat, & a ſævis oſſa relicta lupis.

The private Feaſts *for the Living* were kept at the Tomb of the Deceaſed, by the neareſt Friends and Relations only.

The public Feaſts were when the Heirs or Friends of ſome rich or great Perſon obliged the People with a general Treat to his Honour and Memory; as *Cicero* reports of the Funeral of *Scipio Africanus* (*a*), and *Dio* of that of *Sylla* (*b*). And *Suetonius* (*c*) relates, that *Julius Cæſar* gave the People a Feaſt in Memory of his Daughter. There was a Cuſtom on theſe Occaſions to diſtribute raw Meat among the Poor, which they termed *viſceratio*; though this was ſometimes given without the public Feaſts.

The Funeral Games have already been deſcribed among the other Shows.

(*a*) *In Orat. pro* Muræna. (*b*) Lib. 37. (*c*) Cap. 22.

As to the Cuſtom of Mourning, beſides what has been before obſerved, we may further take Notice of the Time appointed for that Ceremony, and ſome of the moſt remarkable Ways of expreſſing it. "*Numa* (as *Plutarch* tells us "in his Life) preſcribed Rules for regulating the Days of "Mourning, according to certain Times and Ages. As for "Example, a Child of three Years, and ſo upwards to ten "was to be mourned for ſo many Months as he was Years "old. And the longeſt Time of Mourning, for any Perſon "whatſoever, was not to exceed the Term of ten Months: "Which alſo was the Time appointed to Widows to la-"ment the Loſs of their deceaſed Huſbands, before which "they could not, without great Indecency, paſs unto ſecond "Marriage: But in Caſe their Incontinence was ſuch as "could not admit ſo long an Abſtinence from the Nuptial "Bed, they were to ſacrifice a Cow with a Calf, for Ex-"piation of their Fault".

Now *Romulus*'s Year conſiſting but of ten Months, when *Numa* afterwards added two Months more, he did not alter the Time he had before ſettled for Mourning; and therefore though after that Time we meet with *luctus annuus*, or a Year's Mourning, uſed often upon the Death of ſome eminent Perſon, we muſt take it only for the old Year of *Romulus*, or the Space of ten Months.

There were ſeveral Accidents which occaſioned the concluding of a public or private Mourning before the fixed Time; ſuch as the Dedication of a Temple, the Solemnity of public Games or Feſtivals, the ſolemn *Luſtration* performed by the *Cenſor*, and the diſcharging any Vow made by a Magiſtrate or General; which, being Times of public Rejoicing, would have otherwiſe implied a Contradiction.

As to the Tokens of private Grief, they had none but what are common to moſt Nations, as ſtaying at home for a Time, avoiding all Manner of Recreations and Entertainments, and the like. But in public Mourning, it was a ſingular Cuſtom to expreſs their Concern by putting a Stop to all Buſineſs, and appointing a Vacation till ſuch a Period; of which we have frequent Inſtances.

The laſt Ceremony, to be ſpoken of, was Conſecration. This belonged properly to the Emperors; yet we meet with private Conſecrations. This was, when the Friends and Relations of the Deceaſed canonized him, and paid him Worſhip in private; a Piece of Reſpect commonly paid to Parents by their Children, as *Plutarch* obſerves in his *Roman* Queſtions. Yet the Parents too ſometimes conferred the ſame Honour on their

their deceaſed Children, as *Cicero* promiſeth to do for his Daughter *Tullia*, in the End of his Conſolation; and though that Piece be ſuſpected, as we now have it, yet the preſent Authority loſes nothing of its Force, being cited heretofore by *Lactantius*, according to the Copies extant in his Time.

The public Conſecration had its Original from the Deification of *Romulus*, but was afterwards diſcontinued till the Time of the Emperors, on moſt of whom this Honour was conferred. The whole Ceremony is moſt accurately deſcribed by *Herodian*, in his fourth Book, the Tranſlation of which Place may conclude this Subject.

"The *Romans* (ſays he) have a Cuſtom to conſecrate thoſe "Emperors, who leave either Sons or deſigned Succeſſors at "their Death; and thoſe who receive this Honour are ſaid "to be enrolled among the Gods. On this Occaſion the "whole City maintains a public Grief, mixed as it were "with the Solemnity of a Feſtival. The true Body is buried "in a very ſumptuous Funeral, according to the ordinary "Method. But they contrive to have an Image of the Em-"peror in Wax done to the Life; and this they expoſe to "public View, juſt at the Entrance of the Palace Gate, on "a ſtately Bed of Ivory, covered with rich Garments of em-"broidered Work and Cloth of Gold. So the Image lies "there all pale, as if under a dangerous Indiſpoſition. Round "the Bed there ſit, the greateſt Part of the Day, on the Left "Side, the whole Senate in Black; on the Right, the aged "Matrons, who, either upon Account of their Parents or "Huſbands, are reputed noble: They wear no Jewels or "Gold, or other uſual Ornaments, but are attired in cloſe "white Veſts, to expreſs their Sorrow and Concern. This "Ceremony continues ſeven Days together; the Phyſicians "being admitted every Day to the Bed, and declaring the "Patient to grow all along worſe and worſe. At laſt, when "they ſuppoſe him to be dead, a ſelect Company of young "Gentlemen of the Senatorian Order take up the Bed on "their Shoulders, and carry it through the *Holy Way* into the "old *Forum*, the Place where the *Roman* Magiſtrates uſed "to lay down their Offices. On both Sides are raiſed Gal-"leries with Seats one above another; one Side being filled "with a Choir of Boys all nobly deſcended, and of the moſt "eminent *Patrician* Families; the other with a like Set of "Ladies of Quality; who both together ſing Hymns and "Pæans compoſed to very mournful and paſſionate Airs, to "the Praiſe of the Deceaſed. When theſe are over, they take "up the Bed again, and carry it into the *Campus Martius*;

"where,

" where, in the wideſt Part of the Field, is erected a four-
" ſquare Pile, entirely compoſed of large Planks, in Shape
" of a Pavilion, and exactly regular and equal in the Dimen-
" ſions. This in the Inſide is filled up with dry Chips, but
" without is adorned with Coverlids of Cloth of Gold, and
" beautified with Pictures and curious Figures in Ivory. A-
" bove this is placed another Frame of Wood, much leſs in-
" deed, but ſet off with Ornaments of the ſame Nature, and
" having little Doors or Gates ſtanding about it. Over this
" are ſet a third and fourth Pile, every one being conſidera-
" bly leſs than that on which it ſtands; and ſo others, till
" they come to the leaſt of all, which forms the Top. The
" Figure of this Structure, altogether, may be compared to
" thoſe Watch-Towers, which are to be ſeen in Harbours
" of Note, and by the Fire on their Top direct the Courſe
" of the Ships into the Haven. After this, hoiſting up the
" Body into the ſecond Frame of Building, they get together
" a vaſt Quantity of all Manner of ſweet Odours and Per-
" fumes, whether of Fruits, Herbs, or Gums, and pour them
" in Heaps all about it: There being no Nation, or City, or
" indeed any eminent Men, who do not rival one another
" in paying theſe laſt Preſents to their Prince. When the
" Place is quite filled with a huge Pile of Spices and Drugs,
" the whole Order of Knights ride in a ſolemn Proceſſion
" round the Structure, and imitate the Motions of the *Pyr-*
" *rbic* Dance. Chariots too, in a very regular and decent
" Manner, are drove round the Pile, having the Drivers
" cloathed in Purple, and bearing the Images of all the illuſtri-
" ous *Romans*, renowned either for their Counſels and Admi-
" niſtration at Home, or their memorable Atchievements in
" War. This Pomp being finiſhed, the Succeſſor to the Em-
" pire, taking a Torch in his Hand, puts it to the Frame, and
" at the ſame time the whole Company aſſiſts in lighting it in
" ſeveral Places; when on a ſudden, the Chips and Drugs
" catching Fire, the whole Pile is quickly conſumed. At laſt
" from the higheſt and ſmalleſt Frame of Wood, an Eagle is
" let looſe, which, aſcending with the Flames towards the
" Sky, is ſuppoſed to carry the Prince's Soul to Heaven."

CHAP.

CHAP. XI.

Of the ROMAN *Entertainments.*

THE peculiar Cuſtoms of the *Romans*, with Reference to Eating and Drinking, will eaſily fall under the three Heads, of the Time, the Place, and the Manner of their Entertainments. As to the firſt, the *Romans* had no proper Repaſt beſides Supper, for which the ordinary Time was about the ninth Hour, or our Three o'Clock. Thus *Martial* reckoning up the Buſineſs of every Hour, iv. 8.

Imperat exſtructos frangere nona toros.

But the more frugal made this Meal a little before Sun-ſet, in the Decline of the Day: To which *Virgil* might poſſibly alude, though ſpeaking of the Cuſtoms of *Carthage*, and of its Queen, when he ſays,

Nunc eadem labente die convivia quærit. Æn. 4.

On the other Side, the Voluptuous and Extravagant commonly began their Feaſts before the ordinary Hour. Thus *Horace*, Book 1. Od. 1.

Nec partem ſolido demere de die
Spernit.

And *Juvenal*, Sat. 10.

Exul ab octava Marius bibit.

Thoſe, that could not hold out till Supper, uſed to break their Faſt in ſome other Part of the Day, ſome at the ſecond Hour, ſome at the fourth, anſwering to our eight and ten; ſome at the ſixth, or about Noon; others at the eighth, or our two, as their Stomachs required, or their Employments gave them Leave. At this Time they ſeldom eat any Thing but a Bit of dry Bread, or perhaps a few Raiſins or Nuts, or a little Honey. From the different Hours of taking this Breakfaſt, it is likely that the *jentaculum*, *prandium*, *merenda*, &c. had their Original, being really the ſame Repaſt made by ſeveral Perſons at ſeveral Times (*a*).

(*a*) *Dacier* on *Horace*, Book 1. Od. 1.

The *PLACE*, in which the *Romans* eat, was antiently called *Cœnaculum*. *Seneca*, *Suetonius*, and others, ſtile it *Cœnatio*. But the moſt common Appellation, borrowed from the *Græcians*, was *Triclinium*. *Servius* on the firſt of the *Æneids* at that Verſe,

Aureâ compoſuit ſpondâ mediumque locavit,

takes an Occaſion to reprehend thoſe Grammarians who will have *Triclinium* to ſignify a Room to ſup in, and not barely a Table. Yet, (to omit a tedious Number of Citations from other Authors) *Tully* himſelf uſeth the Word in that Senſe: For in one of his Epiſtles he tells *Atticus* (*a*), that, when *Cæſar* came to *Philippi*, the Town was ſo full of Soldiers, as to leave *Cæſar* ſcarce a *Triclinium* to ſup in.

Antiently the *Romans* uſed to Sup ſitting, as the *Europeans* at preſent, making uſe of a long Table.

Perpetuis ſoliti patres conſiſtere menſis. Virg. Æn. 8.

Afterwards the Men took up a Cuſtom of lying down; but the Women for ſome Time after ſtill kept ſitting, as the moſt decent Poſture (*b*). The Children too of Princes and Noblemen, for the ſame Reaſon, uſed to ſit at the Backs of Couches (*c*), whence, after a Diſh or two, they withdrew without cauſing any Diſturbance. Yet as to the Women, it is evident, that in latter Times they uſed the ſame Poſture at the Table as Men. Thus *Cicero* in an Epiſtle to *Pætus*, telling him of one *Clyteris*, a Gentlewoman that was lately at a Treat with him, makes uſe of the Word *accubuit*. And *Ovid*, in his fourth Love-Elegy of the firſt Book, adviſeth his Miſtreſs about her Carriage at the Table before her Huſband,

Cum premet ille torum, vultu comes ipſa modeſto
Ibis, ut accumbas———

And *Suetonius* relates, That, at an Entertainment of the Emperor *Caligula*, he placed all his Siſters one by one below himſelf, *uxore ſupra cubante*, "his Wife lying above him."

When they began thus to lie down, inſtead of ſitting at Meat, they contrived a Sort of Beds or Couches of the ſame Nature with thoſe on which they ſlept, but diſtinguiſhed from them by the Name of *Lecti tricliniorum*, or *tricliniares*, the others being called *lecti cubicularii*.

(*a*) Lib. 15. Epiſt. 50. (*b*) *Val. Max.* lib. 2. cap. 1. (*c*) *Tacitus* Ann. 13. *Suetonius Claud.* cap. 32.

They

They were made in ſeveral Forms, but commonly four-ſquare, ſometimes to hold three or four, ſometimes two Perſons, or only one. Yet in the ſame Entertaining-Room, it was a Rule to have all the Couches of the ſame Shape and Make. After the round Citron-Tables grew in Faſhion, they changed the three Beds (which denominated the *Triclinium*) for the *Stibadium*, one ſingle large Couch in the Shape of a Half-Moon, or of the *Græcian Sigma*, from which it ſometimes borrowed its Name, as in *Martial.*

Accipe lunata ſcriptum teſtudine ſigma.

Theſe *Stibadia* took their ſeveral Names from the Number of Men that they held; as the *Hexaclinon* for Six, the *Heptaclinon* for Seven, and ſo on.

The higher the Beds were, the more noble and ſtately, and the more decent too they were thought. Hence *Virgil*, Æn 2.

Inde toro pater Æneas ſic orſus ab alto.

And again, *Æn.* 6.

——— *Lucent genialibus altis*
Aurea fulcra toris ———

On the contrary, low Couches were looked on as ſo extremely ſcandalous, that (as *Valerius Maximus* tells the Story) one *Ælius Tubero*, a Man of great Integrity, and of very noble Progenitors, being a Candidate for the Prætorſhip, loſt the Place, only for making Uſe of a low Sort of Supping-Beds, when he gave the People a public Entertainment (*a*).

On the Beds they laid a Kind of Quilts, ſtuffed with Feathers, Herbs, or Tow; which they called *culcitræ*. Over theſe they threw in antient Times nothing but Goats-Skins, which they afterwards changed for the *ſtragula*, Coverlids or Carpets: Theſe we ſometimes find under the Name of *toralia*, on Account of their belonging to the *torus*. Thus in *Horace*,

——*Ne turpe toral ne ſordida mappa*
Corruget nares. Lib. 2. Epiſt. 5.

And again,

Et Tyrias dare circum illota toralia veſtes. Lib. 2. Sat. 4.

(*a*) *Val. Max.* Lib. 7. cap. 5.

On

On the Carpets were laid *Pulvini*, or Pillows, for the Guests to lean their Backs on.

It would be endless to describe the Variety and Richness of the Furniture with which they set off their Tables. It will be enough to observe from *Pliny*, that, when *Carthage* was finally destroyed by *Scipio Africanus*, the whole Mass of Treasure found in that City, which had so long contended for Riches, Glory, and Empire, with *Rome* itself, amounted to no more than what, in *Pliny*'s Time, was often laid out in the Furniture of a Table (*a*).

As to the Manner of the Entertainment, the Guests in the first Place bathed with the Master of the Feast, and then changed their ordinary Cloaths for the *vestis convivalis*, or *cœnatoria*, a light Kind of a Frock; at the same Time having the *Soleæ* pulled off by their Slaves, that they might not foul the fine Carpets and Furniture of the Beds. And now taking their Places, the first Man lay at the Head of the Bed, resting the Fore-Part of his Body on his Left-Elbow, and having a Pillow or Bolster to prop up his Back. The next Man lay with his Head towards the Feet of the first, from which he was defended by the Bolster that supported his own Back, commonly reaching over to the Navel of the other Man; and the rest after the same Manner. Being settled on the Beds, in the next Place they washed their Hands:

——*Stratoque super discumbitur ostro;*
Dant manibus famuli lymphas, Virg. Æn. 1.

After this they were served with Garlands of Roses, and whatever other Flowers were in Season, which they did not wear only on their Heads, but sometimes too about their Necks and Arms. This too was the Time to present them with Essences and Perfumes.

The Number of Guests is by *A. Gellius* stated according to *Varro*, that they should not be fewer than three, or more than nine; either to express the Number of the *Graces* or the *Muses*.

The most honourable Place was the middle Bed, and the middle of that. *Horace* describes the whole Order of Sitting in his eight Satyr of the second Book:

Summus ego, & prope me Viscus Sabinus, & infra,
Si memini, Varius: cum Servilio Balatrone
Vibidius, quos Mæcenas adduxerat umbras,
Nomentanus erat super ipsum, Porcius infra.

(*a*) *Nat. Hist.* lib. 33. cap. 11.

So

So that *infra aliquem cubare* is the same as to lie in one's Bosom, as St. *John* is said to have done in our Saviour's; whence learned Men have thought, that either the same Custom was observed in almost all Nations; or else that the *Jews*, having been lately conquered by *Pompey*, conformed themselves in this, as in many other Respects, to the Example of their Masters.

At the Beginning of the Feast they lay on their Bellies, their Breasts being kept up with Pillows, that they might have both their Hands at Liberty; but towards the End, they either rested themselves on their Elbows, as *Horace* says,

Languidus in cubitum jam se conviva reponet. Sat. ii. 4. 38.

And in another Place,

Et cubito remanete presso. Carm. 1. Od. 27.

or if they had not a Mind to talk, they lay all along; all which Postures are to be seen in the old Marbles, which present the Figure of an Entertainment.

They seem to have brought in the several Courses in Tables, and not by single Dishes; as *Servius* observes on that of *Virgil*, Æn. i. 723.

Postquam prima quies epulis, mensæque remotæ.

But some will understand by *mensæ* in that Place, rather the Dishes than the Tables, because it follows presently after,

Dixit, & in mensa laticum libavit honorem.

unless we suppose that as soon as the Table of Victuals was removed, another was set in its Place for Drinking.

They wanted no Manner of Diversion while they were eating, having ordinarily Music and antic Dances, and in antient Times Combats of *Gladiators*.

Plutarch tells us, that *Julius Cæsar*, once in a Treat which he made for the People, had no less than 22000 *Triclinia*, which may give an Idea of their public Entertainments.

CHAP.

CHAP. XII.

Of the ROMAN *Names.*

THE *Roman* Names, which many Times grievouſly puzzle ordinary Readers, may be divided into four Sorts, the Names of the *Ingenui*, or Free-born, the Names of the Freed-Men and Slaves, the Names of the Women, and the Names of adopted Perſons.

The *Ingenui* had three diſtinct Names, the *Prænomen*, the *Nomen*, and the *Cognomen*. Hence *Juvenal*, Sat. v. 126.

——Si quid tentaveris unquam
Hiſcere, tanquam habeas tria nomina——

The *Prænomen* anſwers to our *Chriſtian* Name, but was not impoſed till the aſſuming the *Manly Gown*. The Names of this Sort moſt in Uſe, together with the initial Letters which ordinarily ſtand for them in Writing, are as follow:

A. *Aulus*, C. *Caius*, D. *Decius* and *Decimus*, K. *Cæſo*, L. *Lucius*, M. *Manius* and *Marcus*, N. *Numerius*, P. *Publius*, Q. *Quinctius*, T. *Titus*.

AP. *Appius*, CN. *Cneus*, Sp. *Spurius*, TI. *Tiberius*, MAM. *Mamercus*, SER. *Servius*. Sex. *Sextus*.

The *Nomen* immediately followed the *Prænomen*, anſwering to the *Græcian Patronymics*. For as among them the Poſterity of *Æacus* had the Name of *Æacidæ*, ſo the *Julian* Family in *Rome* were ſo called from *Iulus* or *Aſcanius*. But there were ſeveral other Reaſons which gave Original to ſome of the *Prænomens*, as living Creatures, Places, and Accidents, which are obvious in reading.

The *Cognomen* was added in the third Place, on the Account of diſtinguiſhing Families, and was aſſumed from no certain Cauſe, but uſually from ſome particular Occurrence. But this muſt be underſtood principally of the firſt Original of the Name, for afterwards, it was hereditary, though frequently changed for a new one.

Grammarians uſually add a fourth Name, which they call *Agnomen*; but this was rather an honourable Title; as *Cato* was diſtinguiſhed by the conſtant Epithet of the *Wiſe*, *Craſſus* of the *Rich*: And hence came the *Africani*, the *Aſiatici*, the

the *Macedonici*, &c. *Tully* frequently uſes *Cognomen* to ſignify theſe Appellations; and therefore there is no Need of being ſo ſcrupulous, as to expreſs ourſelves in theſe Caſes by the fourth Word.

The Slaves in antient Times had no Name but what they borrowed from the *Prænomen* of their Maſters, as *Lucipor*, *Publipor*, *Marcipor*, that is, *Lucii puer*, *Publii puer*, &c. (*a*). When this Cuſtom grew Obſolete, the Slaves were uſually called by ſome proper Name of their own, ſometimes of *Latin* ſometimes of *Græcian* Original; this was very often taken from their Country, as *Davus*, *Syrus*, *Geta*, &c. Upon their Manumiſſion they aſſumed the *Prænomen* and the *Nomen* of their Maſters; but inſtead of the *Cognomen*, maſe uſe of their former Name; as *Marcus Tullius Tiro*, the freed Man of *Cicero*. After the ſame Manner it was cuſtomary for any Foreigner who had been made a free Denizen of *Rome*, to bear the *Nomen* and the *Prænomen* of the Perſon on whoſe Account he obtained that Privilege.

The Women had antiently their *Prænomens* as well as the Men, ſuch as *Caia*, *Cæcilia*, *Lucia*, &c. But afterwards they ſeldom uſed any other beſides the proper Name of their Family, as *Julia Marcia*, and the like. When there were two Siſters in a Houſe, the diſtinguiſhing Terms were *Major* and *Minor*; if a greater Number, *Prima*, *Secunda*, *Tertia*, *Quarta*, *Quinta*, or by Diminution, *Secundilla*, *Quartilla*, and *Quintilla*.

Adopted Perſons aſſumed all the three Names of him who thus favoured them; but as a Mark of their proper Deſcent, added at the End either their former *Nomen* or *Cognomen*; the firſt exactly the ſame as before, (as *Q. Servilius Cepio Agalo Brutus*, the Name of *M. Junius Brutus*, when adopted by *Q. Servilius Cepio Agalo:*) The other with ſome ſlight Alteration, as *C. Octavius*, when adopted by *Julius Cæſar*, was called *C. Julius Cæſar Octavianus*.

Though the Right and the Ceremony of *Adoption* be a Subject properly belonging to the Notice of civil Lawyers; yet it cannot be amiſs to give ſome little Hints about the Nature of that Cuſtom in general. Every one knows the Meaning of the Word, and that to *adopt* a Perſon was to take him in the Room of a Son, and to give him a Right to all Privileges which accompanied that Title. Now the Wiſdom of the *Roman* Conſtitution made this Matter a public Con-

(*a*) *Quinctilian Inſtitut.* lib. 1. cap. 4. *Plin. N. H.* lib. 33. *cap.* 1.

cern. When a Man had a Mind to *adopt* another into his Family, he was obliged to draw up his Reaſons, and to offer them to the College of the *Pontifices*, for their Approbation. If this was obtained, on the Motion of the *Pontifices*, the *Conſul*, or ſome other prime Magiſtrate, brought in a Bill at the *Comitia Curiata*, to make the Adoption valid. The private Ceremony conſiſted in buying the Perſon to be *adopted*, of his Parents, for ſuch a Sum of Money, formally given and taken; as *Suetonius* tells us, *Auguſtus* purchaſed his Grandſons *Caius* and *Lucius* of their Father *Agrippa*.

Aulus Gellius makes a Diſtinction between *Adoptio* and *Arrogatio*; as if the former belonged only to the Care of the *Prætor*, and was granted to Perſons only under Age; the latter to the Cognizance of the People, and was the free Act of Perſons grown up, and in their own Power: But we learn from almoſt every Page of Hiſtory, that the *Romans* were not ſo nice in their Practice, as he is in his Obſervation.

CHAP. XIII.

Of the Roman *Money.*

IN enquiring into the Difference and Value of the *Roman* Coins, we may begin with the loweſt Sort, that of Braſs. The *Æs* then, or moſt antient Money, was firſt ſtamped by *Servius Tullius*, whereas formerly it was diſtinguiſhed only by Weight, and not by any Image. The firſt Image was that of *Pecus*, or ſmall Cattle, whence it took the Name of *Pecunia*. Afterwards it had on one Side the Beak of a Ship, on the other a *Janus*; and ſuch were the Stamps of the *As*; for as to the *Triens*, *Quadrans*, and *Sextans*, they had the Impreſſion of a Boat upon them. A long Time did the *Romans* uſe this and no other Money, till after the War with *Pyrrhus*, A. U. C. 484, five Years before the firſt *Punic* War, Silver began to be coined. The Stamps upon the Silver *Denarii* are for the moſt Part Waggons, with two or four Beaſts in them on the one Side, and on the Reverſe the Head of *Rome*, with an Helmet. The *Victoriati* have the Image of Victory ſitting, the *Seſtertii* uſually *Caſtor* and *Pollux* on the one Side, and both on the Reverſe the Image of the City; this Cuſtom continued during the Commonwealth,

Auguſtus

Auguſtus cauſed *Capricorn* to be ſet upon his Coin, and the ſucceeding Emperors ordinarily their own Effigies. Laſt of all came up Coin of Gold, which was firſt ſtamped ſixty-two Years after that of Silver, in the Conſulſhip of *M. Livius Salinator*, with the ſame Stamp and Images. So much for the ſeveral Kinds of Money; we may now proceed to the ſeveral Pieces under every Kind.

The *As* was ſo named *quaſi Æs*, or Braſs, being of that Metal, and at firſt conſiſted of 1 *lb.* Weight, till in the firſt *Punic* War, the People, being greatly impoveriſhed, made 6 *Aſſes* of the ſame Value out of one. In the ſecond *Punic* War, *Hannibal* preſſing very hardly upon them, and putting them to great Shifts, the *Aſſes* were reduced to an Ounce a-piece; and in Concluſion, by a Law of *Papyrius*, were brought down to half an Ounce, and ſo continued. The *As* contained the tenth Part of the *Denarius*, and was in Value of our Money about *ob. qua.* The *Semiſſis*, or *Semi-æs*, half as much. The *Triens* was the 3d Part of the *As*, the *Quadrans* the 4th, by ſome called *Triuncis* and *Teruncius*, becauſe it contained 3 Ounces, before the Value was diminiſhed. The *Sextans*, or 6th Part, was that which every Head contributed to the Funeral of *Menenius Agrippa*. But theſe were not ſufficient for Uſe, and therefore there were other Pieces made, as the *Uncia*, or 12th Part of the Pound, the *Semuncia* of the Weight of 4 *Drachms*, and the *Sextula*, or 6th Part of an Ounce. *Varro* ſpeaks too of the *Decuſſis*, in Value 10 *Aſſes*, or of a *Denarius*; the *Viceſſis* of two *Denarii*, and ſo upwards to the *Centuſſis*, the greateſt Braſs Coin, in Value 100 *Aſſes*, 10 *Denarii*, and of our Money 6*s.* 3*d.*

For the Silver Money, the old *Denarius* was ſo named, becauſe it contained *Denos Æris* or *Aſſes*, 10 *Aſſes* though its Weight and Value was not at all Times alike: For the old *Roman Denarius*, during the Commonwealth, weighed the 7th Part of an Ounce, and was in Value of our Money 8*d. ob. q.* with $\frac{1}{7}$ *c*; but the new *Denarius*, which came up in the Time of *Claudius*, or a little before, weighed exactly an *Attic Drachm*; ſo that the *Greek* Writers, when they ſpeak of it, for every *Denarius* mention a *Drachm*, which of our Money was worth 7*d. ob.* Computations are generally made with Reference to this new Sort of *Denarius*; if Reſpect be had to the more antient Times, then all Reckonings are to be increaſed one 7th Part, for juſt ſo much the old one exceeded the new. When we meet with *Bigatus* and *Quadrigatus*, we muſt underſtand the ſame Coin as the *Denarius*, ſo cal-

led from the *Bigæ* and *Quadrigæ* ſtamped upon it. There was another Coin called *Victoriatus*, from the Image of Victory upon it, firſt ſtamped in *Rome* by an Order of *Clodius*, in Value half a *Denarius*, and therefore named alſo *Quinarius*, as containing the Value of five *Aſſes*: It was worth of our Money 3*d. ob. q.* The next that follows, and which makes ſo much Noiſe in Authors, is the *Seſtertius* ſo called *quaſi Seſquitertius*, becauſe it contained two *Aſſes* and an half, being half the *Victoriatus*, and a fourth Part of the *Denarius*. It is often called abſolutely *Nummus*, becauſe it was in moſt frequent Uſe, as alſo *Seſtertius Nummus*: It was worth of our Money 1*d. ob. qu. q.* The *Obolus* was the ſixth Part of the *Denarius*, equal to the *Attic* ὀβολὸς, as much as 1*d. qu.* with us. The *Libella* was the tenth Part of the *Denarius*, and equal in Value to the *As*; ſo called as a little Pound, being ſuppoſed equal to a Pound of Braſs, worth of our Money *ob. qu.* The *Sembella*, as if written *Semi-libella*, was half this. And *laſtly*, the *Teruncius* was the fortieth Part of a *Denarius*; ſo named, becauſe it was worth three Ounces of Braſs, being inconſiderable in Value, and next to nothing.

To come at laſt to the golden Coins; thoſe moſt remarkable were the *Aurei Denarii*, ſo termed, either becauſe they had the ſame Stamp as the Silver *Denarii*, or becauſe in Size they much reſembled them. The old *Aureus*, ſtamped during the Commonwealth, weighed two Silver *Denarii*; worth of our Money 17*s.* 1*d. ob qua.* The new *Aureus*, ſtamped about the Beginning of the Empire, was lighter than the former by one ſeventh Part, weighing two *Drachms*; worth about 15*s.* of our Money. Thus they continued *Didrachmi* for the Time of the firſt five *Cæſars*; and then loſt much in their Weight by the Fraud and Avarice of the ſucceeding Princes. In *Nero*'s Time they wanted a few Grains, under *Galba* a little more, under *Nerva*, *Trajan*, and *Adrian*, no fewer than eight; under *Veſpaſian* ten, and the like under *Antoninus Pius*, *M. Aurelius Severus*, and others. *Domitian*, indeed, had in his Reign reſtored to the *Aurei* their full Weight of two *Drachms*, and ſo did *Aurelian* afterwards, which was the laſt Regulation of the Matter, while *Rome* continued to be the Seat of Empire.

The Marks of the ordinary Coins are as follow: The *As*, becauſe at firſt it was a Pound Weight, is thus expreſſed, L. and the *Seſtertius*, becauſe it contained in Value two Pounds of

of Braſs and an Half, thus, HS- or LLS. The Mark of the *Quinarius* or *Victoriatus* was Λ. and of the *Denarius* X or ⁞.

The Sums in Uſe among the *Romans* were chiefly three; the *Seſtertium*, the *Libra*, and the *Talent*. The *Seſtertium* contained a thouſand *Seſtertii*, about 7*l.* 16*s.* 3*d.* of our Money. We do not, indeed, find it in any antient Author in the ſingular Number, as now it is uſed, but we very often meet with it in the Plural, though with the ſame Signification. In reckoning by *Seſterces*, the *Romans* had an Art, which may be underſtood by theſe three Rules. The firſt is, if a Numeral Noun agree in Caſe, Gender and Number, with *Seſtertius*, then it denotes preciſely ſo many *Seſtertii*, as *decem Seſtertii*, juſt ſo many. The Second is this, if a Numeral Noun of another Caſe be joined with the Genitive Plural of *Seſtertius*, it denotes ſo many thouſand, as *decem Seſtertium* ſignifies ten thouſand *Seſtertii*. Laſtly, if the Adverb Numeral be joined, it denotes ſo many hundred thouſand, as *decies Seſtertium* ſignifies ten hundred thouſand *Seſtertii*; or if the Numeral Adverb be put by itſelf, the Signification is the ſame; *Decies* or *Vigeſies* ſtand for ſo many hundred thouſand *Seſtertii*, or as they ſay, ſo many hundred *Seſtertia*.

The *Libra*, or Pound, contained twelve Ounces of Silver, or ninety-ſix *Drachms*, or latter *Denarii*, and was worth of our Money 3*l.*

The third Sum was the *Talent*, which contained twenty-four *Seſtertia*, and ſix thouſand latter *Denarii*, being the ſame with the *Attic Talent*: For the Names of *Talent*, *Mina*, and *Drachma*, the *Romans* took from the *Greeks*, as the *Greeks* borrowed from them the *Libra* and the *Uncia*. The *Talent* was worth of our preſent Money 187*l.* 10*s.*

We meet too with a leſſer Sum, termed the *Sportula*, being what the rich Men gave to every one of their Clients, after having waited upon them in public, and now and then at other Times, as they pleaſed to appoint. It was in Value about a hundred *Quadrantes*, or 18*d.* *ob. qua.* Formerly, inſtead of this Sum, they uſed to deal a Dole to the Clients without the Door, who received the Victuals in a little Baſket made of a Kind of Broom, called *Sportum*.

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